00026956

THE
ASIATIC SOCIETY OF BOMBAY
TOWN HALL, BOMBAY-400 023.

Digitized with financial assistance from the
Government of Maharashtra
on 05 April, 2016

Stapleton, Augustus Granville

"Intervention and Non-Intervention Policy of Great Britain from 1790 to 1865." 1866

00026956

Sta/Int
26956
26956
ace

PREFACE.

I BEGAN this work more than two years and a half ago, and the larger portion of it was in Mr. Murray's hands some time before the death of Lord Palmerston. The great amount of popularity which that statesman acquired during the latter years of his career, and the skill with which for the most part during those years he conducted the internal affairs of this country, will make the vast majority of the British public unwilling to scan too closely any defects, if defects there were, in his management of our foreign relations.

If I were not deeply impressed with the conviction that the consequences of those defects are still making themselves seriously felt throughout the world—and if I did not conscientiously believe that it is of the utmost importance to my country that their nature should be clearly understood, this book would never have seen the light.

It is no pleasant task to find fault with one who has passed away, and, with few sympathizers, to run

counter to a strong public opinion. But I *know* that these pages contain the truth, and nothing but the truth: and I am encouraged to their publication by the following passage written by Dr. Stanley, the present Dean of Westminster:

'A single mind, *loving the truth only*, has before now 'brought the whole mind of a nation round to itself. '. . . A single voice raised honestly in behalf of truth, 'justice, and mercy, has ruined for ever practices which 'were once universal.'

A. G. S.

WARBROOK,
EVERSLEY:
Jan. 1866.

CONTENTS.

PART I.

EUROPE.

CHAPTER I.

International Law . . . . . PAGE 3

CHAPTER II.

Adherence of the British Government to the Non-interference Principle from the Breaking out of the French Revolution in 1790 to the Settlement of Europe by the Treaties of Vienna in 1815 16

CHAPTER III.

The History of the Non-intervention Principle from the Treaties of Vienna in 1815 to the Passing of the Reform Act in 1831 . 27

CHAPTER IV.

Belgian Revolution—Separation of Holland and Belgium—Conduct of the Reform Ministry of Great Britain with respect to the Kingdom of the Netherlands 37

CHAPTER V.

Spain and Portugal—The Quadruple Treaty between Spain, Portugal, France, and Great Britain 48

CHAPTER VI.

Turkey—Forcible Interference by Great Britain with her Internal Affairs 62

CHAPTER VII.

Affairs of Portugal—Affairs of Naples and Sicily—Summary PAGE 76

CHAPTER VIII.

Greece—The Affair of Don Pacifico and others—Debates thereon 92

CHAPTER IX.

Russian Interference in Hungary—French Occupation of Rome—Russian Interference in Turkey 116

CHAPTER X.

Treaty Law 131

PART II.

ASIA.

CHAPTER I.

International Law 157

CHAPTER II.

The War in Affghanistan 163

CHAPTER III.

India—Lord Dalhousie's Policy—The Mutiny . . . 170

CHAPTER IV.

China—Lord Napier—Opium Hostilities—Treaty of Nankin 193

CHAPTER V.

Hostilities at Canton, followed by general Hostilities against China—Peace of Tiensin—Third Series of general Hostilities against the Chinese Empire—Capture of Pekin—Restoration of Peace . 216

CHAPTER VI.

Burmah—Persia—Siam—Japan 242

PART III.

AMERICA—AFRICA.

CHAPTER I.

America—Mexico—Brazil—Africa—Slave Trade . PAGE 259

PART IV.

Conclusion 269

APPENDIX.

CHAPTER I.

Spain and Portugal 279

CHAPTER II.

Alien Laws 286

CHAPTER III.

The Crimean War 295

CHAPTER IV.

Spain and Chili 304

CHAPTER V.

Fast Day Letter, 1857 307

PART I.

EUROPE.

NON-INTERVENTION

VERSUS

INTERVENTION.

CHAPTER I.

INTERNATIONAL LAW.

THE LAWS which regulate the external intercourse of nations differ in one all-important respect from those which regulate their internal relations. Both are professedly founded on the eternal principles of justice; but the difference between them is this—in the case of the internal relations of an independent State there exists some supreme authority within it to determine what is, or what shall be the law of the land; whilst in the case of the external intercourse between independent States, there exists no supreme authority to decide, in disputed cases, what is or what shall be the law of nations.

There are certainly many rules of international law which are generally recognised as obligatory; but it may be doubted whether there be any one distinct principle laid down by the most celebrated writers on

the subject, the binding authority of which, at some time or another, has not been called in question and denied by some one Power amongst those which compose the great family of nations.

For instance, the most opposite doctrines have been maintained at one and the same time by some of the most powerful States on the principle, or the law known in maritime warfare under the title of 'Free ships, free goods.' In the arguments which have been used respecting it, all parties take the high ground, that the view of each is dictated by strict principles of right. Still, since there is no supreme authority, to which all nations must bow, authoritatively to decide, the natural consequence follows—each claims to be in the right, and each acts on its own opinion.

Whatever may be the inconvenience arising out of this uncertainty, it is in the nature of things impossible to devise for it any complete remedy. And it may therefore happen, and in point of fact it does often happen, that Governments set up, as principles of international law, dogmas suited to their own convenience at the moment, but which are not really founded on the dictates of truth and justice.

Now, the only check which can be placed on this mode of proceeding—the only test which can be applied to try the sincerity and honesty of a State which lays down a principle of law as one which ought to regulate the intercourse of nations, is this—that when the time comes, however powerful the State may be, it shall submit to having applied to itself the same rule which it has applied to others. If such submission be refused,

then is it certain that selfish interests, and not the love of fair play and justice, have been the motives in which have originated its previous enunciation and enforcement.

If then a nation be desirous of holding a high place in the estimation of surrounding countries—if it wish to exercise a powerful, salutary, and healing influence over the affairs of foreign nations, it must be indeed careful what principles it proclaims as those of international law; but when it has proclaimed them, and when it has acted upon them for a course of years—when it has (almost unanimously) condemned other Governments for their violation, it behoves that nation, if it have any regard for its own honour, credit, and consistency, through good report and through evil report, whether adherence to it be advantageous or disadvantageous in the particular matter to which it is applicable, to adhere to it with righteous tenacity, and proudly to submit to any evils which adherence to it may entail.

This is the duty of an upright and honourable State—a duty to be performed at whatever cost, *because* it is a duty.

Not but what in the long run it is the soundest policy. For, as Lord Macaulay sagaciously remarks, 'the greatest advantage a Government can possess is 'to be the one trustworthy Government in the midst of 'Governments which no one can trust.'

A nation which possesses this moral influence, especially if it be physically one of the most powerful on earth, stands as a beacon before the world—its word is accepted: other States, its equal in physical power,

quail before it, and find themselves yielding to its influence, they hardly know how or why. This results from the majesty of law—from a sense of right, before which, in spite of themselves, the would-be wrongdoers bow: a standard of right has been set up, by which to measure; and those who fain would grovel, find themselves compelled to be guided by the disinterested example which is placed before them.

Of all the principles in the code of international law, the most important—the one on which the independent existence of all weaker States must depend—is this: no State has a right FORCIBLY to interfere in the internal concerns of another State, unless there exists a *casus belli* against it. For, if every powerful State has a right at its pleasure *forcibly* to interfere with the internal affairs of its weaker neighbours, it is obvious no weak State can be really independent. The constant and general violation of this law would be, in fact, to establish the law of the strongest.

This principle as here laid down is the true principle of 'non-intervention.' But, by leaving out the word *forcible*, and by then applying it, without limitation or explanation, much confusion respecting it has arisen.

It is essential therefore that it should be correctly defined; for, taking it in the broad sense in which it is sometimes taken, as forbidding all kinds of intervention in the internal affairs of neighbouring States, it is neither defensible in theory nor harmless in practice.

Misconceptions on this head are frequent. For example: an able and intelligent member of Parliament, late Finance Minister for India, congratulated his con-

stituents* on what he called 'the final establishment 'of the great principle of "non-intervention" as a maxim 'of our future policy.' For examples of the application of this principle by the British Government he cited three instances: 'Poland, Denmark, and America.' It is true that the phrase 'non-intervention' will cover these three cases; but, since they all three, in their nature, differ essentially from each other, you cannot go one step further in explaining the meaning of this 'non-intervention principle' without discovering that when explained so as to adapt it to each case, it has essentially different significations. Thus, non-intervention, as bearing on Poland, means, in Mr. Laing's view, abstinence from exercising the right of war to avenge the violation of treaties; secondly, as bearing on Denmark, it means abstinence from exercising the right of war arising, first from the violation of treaty, second from an unjust war which confers on all States the right of resisting the aggressors; thirdly, as bearing on the United States of North America, it means abstinence from forcible interference in the internal concerns of an independent State against which Great Britain has no *casus belli*. That the principle, as applicable to cases like the United States, should be finally established as a maxim of our future 'policy,' would be indeed a matter of congratulation; but that it should be other than a matter of disgrace and shame to this nation 'finally to establish as a maxim of our future policy' that Great Britain is henceforth on every occasion

* Mr. Laing, vide *Times*, Sept. 24, 1864.

humbly to submit to having the treaties which she has made with other States trampled under foot—that she is never to exercise her right of war to redress wrong, when an unjust war is being carried on, however flagrant may be the conduct of the oppressor—would be to degrade her in the scale of nations, and to falsify all the glories of her past history.

Much confusion, too, arises from enunciating this principle, omitting the essential word FORCIBLE; for the omission of that word extracts the sting. Even celebrated statesmen have fallen into this error, men of whom it might least be expected; for instance, at the close of the session of 1849, Lord Brougham moved three resolutions on the subject of our foreign policy: the second resolution was as follows:—

'That it is inconsistent with the general interests and 'duty of this country to interfere in the concerns of 'foreign nations, as between their Governments and 'their subjects.'

Now the principle set forth in this resolution is not the true principle of non-intervention. For assuredly it is *not* inconsistent with the interests and the duty of England to interfere in the concerns of foreign nations, and certainly it never has been contrary to her practice. Whenever the interests of this country demand it, or whenever there is a reasonable prospect of benefiting a people, it is the duty of this country, and it is in perfect accordance with the sound principles of international law, to interfere by advice and by exhortation, provided no attempt is made by *force* to compel the adoption of that advice.

To abstain would be to throw away the best means which a powerful State possesses of being extensively useful, whilst it would be leaving to any Governments, little scrupulous as to their means, the opportunity of embroiling those affairs which it is fitting that a just and powerful State should control by its influence, and influence by its example.

Thus Mr. Canning sent Lord Fitzroy Somerset in 1823 to endeavour to obtain from the Spanish Government such modifications of the new constitution as, by satisfying the demands of France—demands which he nevertheless disapproved—would avert the threatened invasion.

And in 1836 the Duke of Wellington sent Lord Eliot to Don Carlos, who was then contending for the succession to the throne of Spain, to negotiate the merciful convention which still bears the name of the negotiator—a convention which, from the skill with which he accomplished a most difficult task, will ever entitle him to the gratitude of the Spanish people.

Sound and friendly advice, or measures even evincing marked displeasure—such as the cessation of diplomatic intercourse—are therefore perfectly compatible with the most complete respect for the rights of an independent nation. It is only when that advice is *forcibly* imposed upon a weak and unwilling State by its more powerful neighbour that its independent rights are attacked, and that the law of nations, as for a long series of years it was proclaimed, interpreted, and fought for by England, is set at nought and outraged.

Of course the propriety of giving any advice must

depend on the fitness of the opportunity and the character of the advice. For the abstract right of amicable interference is one thing, its judicious exercise another.

Again, Lord Russell, in the preface to the new edition of his 'Essay on the British Constitution,'* in complaining 'of the obscurity which prevails in the 'minds of men as to the principles by which British 'policy has been guided in the past, and will be guided 'in the future,' wholly misses the point which occasions the confusion. He says that the obscurity 'arises from 'the double sense which is attached to the term "inter-'vention,"' which term he thus explains:

'The usual and more proper meaning of the term "intervention" is interference in the internal affairs of 'other nations.

'The *new* and less accurate application of the term 'is to all interference in the disputes of independent 'nations.'

After citing two cases, (1) French intervention in Spain in 1823, (2) English intervention in Portugal in 1826, which he describes as examples of the two kinds of interference which he has thus defined, and after correctly pointing out that 'great confusion must arise 'from using the same term and applying the same argu-'ment to these two kinds of interference,' because they were based on wholly different grounds, he observes: 'The first kind of interference should as a rule be forbidden and avoided.' Now this remark would have been just, if he had qualified the rule by the word *forcible*, coupled with absence of offence; but the rule

* Introduction, p. 81.

as he has laid it down excludes ALL interference, amicable as well as *forcible*, even in cases where offence has been given. The omission of these qualifications therefore only serves to intensify the obscurity which creates the confusion which he deplores.

Lord Russell further remarks: 'It is true that France 'has interfered in the internal affairs of Mexico and 'Rome, and that England has interfered in the internal 'affairs of China, but in these instances it has been 'declared that *the intervention was exceptional and* 'temporary, *and was contrary to the general principles* 'on which the *foreign policy of England and France* 'was founded.'

The appropriateness of the assertion that 'interven- 'tion is contrary to the general principles on which the 'foreign policy of England is founded,' will be better appreciated when the reader has arrived at the conclusion of this work. But when Lord Russell describes France as having 'interfered in the internal affairs of Mexico and Rome,' as if the interference was undertaken on the same grounds in both cases, it is evident that he does not rightly apprehend the principle which he undertakes not only to lay down, but to explain.

Lord Russell truly says that 'all public writers have 'declared that a nation has a right to settle its own form 'of government, provided that it does not injure other 'nations in its mode of doing so.'

Now the forcible interference of France in the internal affairs of Rome was never attempted to be justified by the French Government on the ground of France having received any injury from Rome; on the contrary,

the Prince President distinctly stated that it was decided on because it was 'necessary in order to maintain the political influence of France,'—a plea which is most unjust. But the *forcible* interference in Mexico was defended on the just and legitimate grounds, that France had received such provocation from the Mexican Government and people as gave her a right of war against them, and these provocations were such as gave France a right to interfere for the establishment of such a Government in Mexico as would secure her from a repetition of them.

In the case of Rome, therefore, the interference was a gross violation of the true rule of non-intervention. In the case of Mexico, the rule, whether correctly or incorrectly laid down, is not applicable. A larger question was at issue—viz. a question as to the right of war against an offending State: acquire that right, and it of course must contain the minor right of forcible internal interference.

Therefore thus to confound the cases of Mexico and Rome by placing them in the same category, serves only to obscure and confuse as to the true principles of the law of nations.

Lord Palmerston himself seems not to have had any clearer idea of the true principle of non-intervention than his noble colleague. For on the occasion of the debate on Chinese affairs (May 20, 1864) he observed: 'My honourable friend (Mr. Buxton) said that the 'principle on which the British Government ought to 'act is that of non-intervention in the affairs of other States; a very plausible principle, and one which in

'many cases ought to be strictly adhered to: but my 'honourable friend forgets that there are cases in which 'we have treaty rights, and there are cases in which 'we have national interests; and if his doctrine were to 'be applied rigidly in every case, our treaty rights 'would be abandoned, and our national interests would 'be sacrificed.'

Now what is the principle which Lord Palmerston and his honourable friend were discussing?

If it be the correct non-intervention principle, viz., 'abstinence from forcible interference in the internal 'concerns of an independent State which injures not its 'neighbours,' his remarks about treaty rights are obviously irrelevant. For the violation of treaty obligations, if the State with whom the obligations are contracted requires their fulfilment, is an injury constituting a *casus belli*. To the abandonment or to the enforcement of treaty rights, the true non-intervention principle, *to which the absence of injury is essential*, is simply inapplicable.

Not so to what Lord Palmerston describes as 'the sacrifice of national interests;' because, if all that is necessary to justify forcible intervention be the promotion of national interests, and if each State has the right to judge of its own national interests, and to promote them at the expense of its neighbours, then the non-intervention principle, if so to be applied, is not even a 'plausible principle;' it is in fact no principle at all. For that maxim can neither be a 'fundamental truth, nor a tenet on which morality is founded,'* which on one day

* Vide Johnson's definition of 'Principle.'

'ought to be strictly adhered to,' and on the next to be cast aside as 'a narrow-minded prejudice,' according as supposed national interests may require. When quoted by those who so use it, it is not even a specious pretext.

Here then is a first principle, on the breach or on the observance of which the whole intercourse of nations essentially depends. And yet the most confused and imperfect apprehension of it appears to prevail in quarters in which it could be least expected, and in which more particularly it is important for the safe, just, and consistent management of our foreign affairs that it should be rightly and clearly understood.

Doubtless it is a public misfortune that so it should be, but more or less it accounts for the fact that the British people, with regard to this principle, are for the most part dead to its real significance.

It has, however, been already stated that there are cases in which FORCIBLE interference with the internal concerns of an independent State is justifiable; and those cases are when the condition of those internal concerns is the cause of external injury of sufficient gravity to justify war upon the State inflicting it. Such were the grounds of justification of the Greek treaty in 1827, into which the principle of applying force entered. For if one nation has a right of war against another for unredressed grievances, it has of course a right to adopt any measure, short of war, whereby redress may be obtained.

Every nation then has a right to manage its own concerns as it pleases, so long as it injures not its neigh-

bours. This is the one great principle of international law on which, far more than on any other, depends the free and independent existence of all the less powerful States which form part of the great family of nations. It is one which every Government and every people having a proper sense of law and justice ought resolutely to maintain. Repeated violations of it can only lead to the re-establishment of that law—if law it can be called—which marked the barbarous ages of the world, viz., the law of the strongest; a law which, it has been proudly boasted, had been stamped out and extinguished by the united influences of Christianity and civilisation.

NOTE.—When the Prince de Talleyrand was Ambassador at the court of St. James's, a lady asked him the meaning of non-intervention. He sarcastically replied: '*Madame, non-intervention est un mot diplomatique et énigmatique, qui signifie à peu près la même chose qu'intervention.*'

CHAPTER II.

ADHERENCE OF THE BRITISH GOVERNMENT TO THE NON-INTERVENTION PRINCIPLE FROM THE BREAKING OUT OF THE FRENCH REVOLUTION IN 1790 TO THE SETTLEMENT OF EUROPE BY THE TREATIES OF VIENNA IN 1815.

ALTHOUGH, according to the principles of truth and justice, the non-intervention principle ought to be engrossed in the code of international law, and to be acknowledged by all nations, yet it cannot be denied that certain European States have constantly refused to recognise its validity.

Such refusal, of course, increases the difficulty of enforcing this principle; but it is a difficulty (as has been already shown) inherent to all international laws, no supreme authority existing to decide, in case of difference, what they are, or what they ought to be.

Much, however, may be done towards overcoming this difficulty. For a powerful State can do a great deal towards securing the general recognition of an international law which is really founded in right, by asserting it, and by adhering to it, in its dealings with other States; and especially by submitting to it, whether advantageous or disadvantageous to its own interest, whenever the time may come that it shall be applicable to itself.

With regard, then, to this principle of non-intervention, Great Britain has not always been of the number of those States which have refused to recognise its binding force. On the contrary, it was proclaimed by the Government of Mr. Pitt before this country mingled in the French revolutionary wars; and for the long period of forty years it was resolutely maintained by the British Government, of whatever party it was composed.

To this principle, therefore, this nation was deeply pledged; not only by affirming it and obeying it, but by denouncing those nations which dared to infringe it.

By this just and consistent conduct the British Government acquired that greatest of advantages which a Government can possess, viz. being the one 'trust-'worthy Government in the midst of Governments 'which no one could trust.'

Those, then, who wish to comprehend the real nature of the position of England amongst foreign nations in the year of our Lord 1864, in the which Denmark was trampled on and despoiled by the two great German Powers—those, then, who wish to find out the causes in which originated that position, and who desire to understand why England had no influence with her German allies—why her remonstrances were disregarded, and the fierce Parliamentary denunciations of her ministers against the injustice and atrocities which the German nations were perpetrating on the Danes were treated with contempt, must go a long way further back than to the Danish treaty of 1852. If they would learn why it is that the British Govern-

ment, which for a long period had been the one trustworthy Government in the midst of Governments which no one could trust, had fallen into the latter category, and become a Government which no one did trust—they must begin their historical retrospect from the breaking out of the French revolution at the beginning of the tenth decade of the eighteenth century. They will then see that the wars of the world, since then, have mainly arisen in consequence of the disregard or the rejection, by the different Governments of Europe, of this non-intervention principle; and that the great war, in which all Europe was involved from 1792 to 1815, originated in the defiance of it by the great German Powers. For, the first important foreign official document which touches on the great social changes in France openly sets at nought this principle.

This document is known in history as 'the declaration of Pilnitz;' it bears date August 21, 1791. In that State paper the Emperor of Germany and the King of Prussia proclaimed their intention *forcibly* to interfere in the internal affairs of France; for, in the words of the declaration, 'they invoked other Powers, conjointly 'with themselves, to employ their forces in order to put 'the King of France in a situation to lay the foundation 'of a monarchical Government conformable alike to the 'rights of sovereigns and the wellbeing of the French 'nation.' It is true that this declaration became a dead letter, subsequent events in France having created a temporary belief in the minds of the German monarchs, that the King of France might maintain himself at the head of a constitutional monarchy; but no sooner had

this hope passed away, than we find that the same intentions were again avowed: and the ultimatum (March 1792) offered by Austria to France, as the condition of abandoning hostile preparations, contained demands materially affecting the internal concerns of the latter kingdom, viz. (1) the re-establishment of the monarchy on a different footing from the one then existing, (2) the restitution to the clergy of their property of which they had been deprived. This ultimatum was at once rejected; and its rejection was followed, in the succeeding month, by a declaration of war by France against Austria.

France justified this war to the world, on the grounds which Condorcet states in his celebrated defence of it. 'The French people,' he remarks, 'free to 'fix the form of their Government, can in no respect 'have injured, while using this power, either the safety 'or the honour of foreign crowns. Are the rulers of 'other countries to include in the number of their pre-'rogatives a right to oblige the French nation to give to 'the head of their Government the same power which 'they themselves exercise in their own dominions? 'Because they have subjects, do they mean to prevent 'the existence of freemen elsewhere? *How is it that they 'do not see that in allowing themselves to do everything 'for what they call the safety of crowns, they declare law-'ful everything that a nation can in like manner do for 'the liberty of another people?*'

It appears, therefore, that the commencement of a war which lasted nearly a quarter of a century mainly originated in the declared intention to violate this non-

interference principle by Austria and Prussia. For, although it cannot be denied that the mass of the French people at that time were eager for war, yet it is equally certain that the avowed intentions of foreign nations to interfere in their internal concerns materially increased their eagerness; whilst at the same time it gave such strength to the war revolutionary party as enabled them to dethrone the King and to seize the government. Thus Brissot, in his well-known journal ('Patriote Français,' Sept. 22, 1792), boasted that 'without the 'war the revolution of the 10th of August never would 'have taken place,—without the war France never 'would have become a republic.'

In July (1792) this policy was followed up by the celebrated manifesto of the Duke of Brunswick, in which the same intentions *forcibly* to interfere were still more haughtily proclaimed. The dethronement and public execution of the unfortunate Monarch (on whose behalf the Allies were interfering), and the decree of the Convention (Nov. 19, 1792) declaring that 'the French 'nation would grant fraternity and assistance to all 'people who wish to recover their liberty,' followed up by orders to the French generals 'not to allow 'even a shadow of the ancient authorities to remain,' were the practical answers which the French nation returned to the Duke's manifesto.

During all this period the policy pursued by the British Government was strictly neutral. On the 12th of May, 1792, before the King was dethroned, M. Chauvelin, the French Envoy, assured the Foreign Secretary, Lord Grenville, that 'France rejected all ideas of aggrandize-

'ment. She will preserve her limits, her liberty, her 'constitution, her inalienable right of reforming herself, 'whenever she may think proper; she will never con- 'sent that, under any relation, foreign Powers should 'attempt to dictate, or even dare to nourish a hope of 'dictating, laws to her. But this very pride, so natural 'and so just, is a sure pledge to all Powers from whom 'she shall have received no provocation, not only of her 'constantly pacific disposition, but also of the respect 'which the French well know how to show at all times 'for the laws, the customs, and all the forms of govern- 'ment of different nations. The King indeed wishes it 'to be known that he would publicly and severely dis- 'avow all those of his agents at foreign courts in peace 'with France, who should dare to depart an instant 'from that respect, either by fomenting or favouring in- 'surrections against established order, or by interfering 'in any manner whatever in the internal policy of 'such States, under pretence of proselytism, which, 'exercised in the dominions of friendly Powers, would 'be a real violation of the law of nations.'

On this declaration Mr. Pitt relied for maintaining neutrality, and even cultivating friendly relations with the newly constructed Government of France. He withheld his countenance from Austria and Prussia, when they threatened *forcible* interference in her internal affairs. Even after the decree of the Convention of November 19, which was a virtual declaration of war against all established Governments, the language of Lord Grenville was clear and decisive. 'The terms of 'continued peace,' said the noble Lord, in a despatch

to the British Ambassador at St. Petersburg (Dec. 20, 1792), 'should be the withdrawing their arms within 'the limits of the French territory, the abandoning their 'conquests, the rescinding any acts injurious to the 'rights and sovereignty of any other nation, and the 'giving, in some unequivocal manner, a pledge of their 'intention no longer to foment trouble, or to excite 'disturbances against other Governments. In return 'for these stipulations, the different Powers of Europe, 'who should be parties to the measure, might engage 'to abandon all measures of hostility against France, or '*interference in her internal affairs*,' &c.

These were the principles avowed by Great Britain at the outset of this great contest, and to them throughout its whole duration she steadfastly adhered. Not only did she abjure any right *forcibly* to interfere in the internal concerns of France, but so sacred did she hold the rights of an independent State to manage its own internal affairs unmolested, so long as its neighbours were left uninjured, that she claimed the right to require from France 'the rescinding of any acts 'injurious to the rights or *sovereignty* of any other 'nation.' In defence of this sacred right Great Britain fought and bled.

To the last Mr. Pitt was most anxious to avoid the war; but the French revolutionary Government were resolved on it, as a measure of policy, in order to maintain their power. As the war with Germany had served to overthrow the monarchy and to establish a republic, so the war with England was deliberately entered upon to support the republic they had created.

To read, however, the letters of M. Chauvelin addressed to the British Government, it might be thought that peace was their object; but to compare the language of the French agent with the acts of the French Government, it would almost seem as if that language referred to some other period of history, so little conformity had it with the actual events which M. Chauvelin professed to be discussing.

There have been, however, many who have maintained that Mr. Pitt unnecessarily plunged this country into the war with France in order to put down the revolutionary and anarchical principles which then prevailed there.

When the Whig party first came into power in 1831 the great increase to the debt which the war occasioned was a favourite topic of declamation with Lord John Russell, in order to disparage his opponents, and to hold up the Tory party to public odium for the extravagance which had laid so heavy a burden on the finances of this country, in a war which might have been avoided; and yet there are few historical facts more certain than that Mr. Pitt laboured hard to avert the war, and that his negotiations for the maintenance of peace were cut short only by the French Government declaring war against England. 'We were forced into the war against our will,' was Mr. Pitt's emphatic declaration in Parliament, two years after its commencement.

But whether it was an avoidable or unavoidable war, the grounds on which it was justified by Mr. Pitt had nothing whatever to do with the internal condition

of France. To effect any change in that internal condition was never set forth as the object at which Mr. Pitt was aiming. It is true that that great man Mr. Burke justified his warlike advice on these grounds; but Lord John Russell in calmer moments has confessed that Mr. Pitt 'disregarded Burke's advice, and took a totally 'different view of the objects and nature of the war. 'Mr. Pitt was ready to admit that we had nothing to do 'with the internal Government of France, provided its 'rulers were able and willing to maintain friendly rela- 'tions with foreign Governments. He sought to confine 'France within her ancient limits—to oblige her to 'respect established treaties, and to renounce her con- 'quests. He sought by expeditions to the West Indies 'an indemnity for the expenses of the war. In short, 'he treated Robespierre and Carnot as he would have 'treated any other French rulers whose ambition was 'to be resisted, and whose interference in the affairs 'of other nations was to be checked and prevented.' *

And, from the commencement of the war to the period of his death, Mr. Pitt, whether negotiating at Paris or at Lille, was always true to the principle that, if France abstained from injuring her neighbours, those neighbours had no right to interfere with her internal affairs.

Mr. Pitt's successors, of whatever party, followed his example. Neither at Amiens in 1802, when Mr. Addington was the minister—nor at Paris, when overtures for peace were made by Mr. Fox, then Foreign Secretary—nor at Cambray, when Lord Castlereagh was the

* *Memoirs of Charles J. Fox*, by Lord John Russell, p. 32, vol. iii.

negotiator, were any attempts made by the British Government to impose any conditions on France as to the form of the Government or as to the selection of the individual who was to be the chief ruler; save that, it having been proved beyond dispute that the continuance of Napoleon's reign was incompatible with the peace and security of the world, the British Government joined with its allies in peremptorily objecting to its prolongation: but England never set up as a condition of peace with the French nation that the Bourbons should be restored; or that, if restored by the will of the people, they should be required to adopt any particular form of Government.

If, at the end of the war, the arrangements made by the Congress at Vienna were not such as can be commended—if, in the reconstruction of the different States of Central and Northern Europe, far too little consideration was manifested for the rights, the interests, and the feelings of their inhabitants, still it must not be forgotten that the ties of allegiance and nationality had been so broken up by Napoleon, that a really equitable solution of the complications which had arisen, by an equitable adjustment of territory, was a work almost hopeless of accomplishment. Nevertheless, the difference between deciding, after a long war of unexampled confusion, what territories should constitute a State, and interfering forcibly in the constitution of its Government and its internal arrangements when thus independently constituted, is so great, that it is evident, whatever principle may be involved in this matter, the principle of non-interference cannot be affected by it.

So far, then, as Great Britain is concerned, she left nothing undone during the war, or at its conclusion, firmly to engraft this principle in the code of international law, not only by proclaiming that on the unchanging principles of justice there it must *necessarily* be, but in showing her own practical recognition of it by undeviating obedience to it.

CHAPTER III.

THE HISTORY OF THE NON-INTERVENTION PRINCIPLE FROM THE TREATIES OF VIENNA IN 1815 TO THE PASSING OF THE REFORM ACT IN 1831.

THE views taken of the non-intervention principle by the great continental Powers were very different from those which it has been shown Great Britain entertained.

During the patriotic fervour which Napoleon's aggressions on the rights and independence of all the nations of foreign Europe had excited in men's minds, and when kings and peoples were united in one common bond for the defence of their common country, the sovereigns of Germany, in the exuberance of their joy, promised liberal institutions to their subjects. They had even gone the length of incorporating this promise in one of the articles of the Act of Federation signed shortly after the peace; but the ink with which it had been signed was hardly dry before the principal signers began to prepare measures to enable them to evade its performance. When the hour of danger had passed, the great continental Monarchs found that their absolute thrones were maintained in opposition to the advocates of those popular principles which prevailed, not only amongst their own subjects, but more or less amongst all the other nations of Europe.

Whether it was from the mere dread of the prevalence of these opinions that the Holy Alliance originated, or whether it arose, as Lord Castlereagh indicates in his despatches, out of an insane and pious fanaticism with which at that time the mind of the Emperor Alexander seems to have been affected, certain it is that that memorable treaty was signed before the Congress separated; and whether it was or was not intended by its Imperial originator to work as it did, there can be no doubt that in fact this Alliance was nothing else but an union of despotic sovereigns in order to aid each other in protecting their absolute authority from the popular encroachments of their own subjects. For this end they acted as a sort of European police, first, as far as possible to prevent any popular outbreak; but if that failed, then to join in suppressing it in every country where it might happen to triumph. For some time their efforts for prevention were successful; but in the fourth year of their existence, constitutional privileges were demanded by the people, and conceded by the Sovereigns of Naples, Piedmont, Spain, and Portugal.

Forthwith the Holy Alliance determined that England's principle of abstinence from forcible interference should be no impediment to their *forcible* interposition; and at the Congresses of Troppau and Laybach measures were concerted for putting down the newly granted constitutional privileges of Piedmont and Naples, and restoring absolute power to their respective sovereigns.

At this crisis Great Britain held fast to her principle. A Tory Government was in power. Lord Castlereagh

was then Foreign Secretary. He never was accused of too great a predilection for popular privileges, or of unfriendly feelings towards the great continental Powers; but he did not hesitate to issue a document, in the name of the British Government, affirming that the principle on which these proceedings were founded was 'in direct repugnance to the fundamental laws of 'this kingdom, and such as could not be safely ad- 'mitted as the foundation of a system of international 'law.'

The principle thus firmly denounced was that on which was founded 'the notion entertained by the 'Holy Alliance of revising, limiting, or regulating the 'course of experiments of casting anew their Govern- 'ments, in which several States of Europe were then 'engaged, either by foreign force or foreign council.'

The protest of Great Britain, however, did not deter the Alliance from executing their projects. Both in Piedmont and Naples the constitutions were overthrown by force of arms, and absolute government was restored. And if it be asked, of what use were these despatches of Lord Castlereagh? a more just or wiser answer cannot be given to the question than that Lord Russell gave on July 2, 1864. 'My belief,' said the noble Lord, 'is that the assertion of sound principles of freedom 'and justice by a British minister on the part of his 'Government, and their assertion also in Parliament, 'are by no means without effect, although at any par- 'ticular moment it may not be advisable to enforce these 'principles' [Lord Russell was speaking of the principle of non-intervention] 'by arms; yet if they are just and

'sound, they will have their effect, and will finally per-
'vade the general policy of Europe.'

The declared principles of the British Government were thus proclaimed to be in direct opposition to those of the Holy Alliance. It remained to be seen which of the two were to prevail, and which were 'finally to pervade the general policy of Europe.'

Not long after this despatch was written by Lord Castlereagh, he died. Mr. Canning was his successor. He found the Holy Alliance with greater power than it had ever before arrived at. Flushed with its success in overthrowing the newly established Governments in the Italian peninsula, it seemed but too probable that the new Spanish constitution would not long be left unmolested.

Another Congress was again about to meet at Vienna, ostensibly on the affairs of Greece. It met, and it did not finally separate, after its adjournment to Verona, without an attempt to secure a combined movement for the overthrow of the Spanish constitution. Through Mr. Canning's exertions (who, then fresh in office, had not acquired the influence which he subsequently obtained) this *combined* movement was abandoned: but ultimately the French King (who had been a member of the Holy Alliance since the Congress at Aix-la-Chapelle in 1818) singly undertook the task. Against this undertaking on the part of France, Mr. Canning energetically protested, declaring that 'the principle on 'which the British Government so earnestly deprecated 'the war against Spain was that every nation has the 'right to change or to modify its internal institutions,'

not merely to modify them in a popular sense, but the abstract right to modify them as they chose.

Perhaps there never was an occasion on which the opinions of the British people were so united as they were in condemnation of this aggression by France on Spain, and of the grounds on which its authors ventured to justify it. The strongest indignation was felt and expressed by men of all sides in politics—whether Whig, Tory, or Radical, they were Englishmen, and they felt, in political justice, that *that* national independence in another country ought to be respected, which, in case of civil commotion, they would look to have respected in their own.

During the remainder of Mr. Canning's life* he never ceased to maintain and to put forward this principle; and it was chiefly by his persevering condemnation of its violation he contrived virtually to dissolve that Holy Alliance which was founded in opposition to it.

No considerations of interest or present expediency could induce him to swerve from it; and although the danger to the peace of Europe from the Greek struggle, during the first four years after he accepted office, was very great, he nevertheless, though most anxious to interfere, yet positively declined to do so, until solicited by one of the belligerents; and then, when he had in consequence of such solicitation agreed with Russia as to the terms of that interference, he did not contemplate pressing their adoption by any forcible intervention.

* He died August 8, 1827.

It was not until the mode in which hostilities were conducted by the Turkish general, Ibrahim Pacha, became at variance with the recognised rules of civilised warfare, so as to give every European State a right of war against Turkey, that he entertained the idea of a forcible intervention. It was evident that the Pacha was carrying on a war of extermination—wherever there was the slightest resistance, he massacred all the males, and sent the women and children into slavery in Egypt. He was labouring to blot out of existence a whole Christian people, and to establish a new Barbary State on the shores of the Mediterranean, in the very midst of Europe. Mr. Canning held this to be a *casus belli*, giving all nations a right to interfere by force, and accordingly he consented to the Greek treaty, which admitted of a forcible interference, if necessary to prevent the consummation of this atrocious design.

And so with regard to the celebrated expedition to Portugal. There was no point which he so earnestly laboured to impress upon the public mind, than that that expedition was sent, not to defend the constitution recently granted by Don Pedro against internal foes, but to defend the Portuguese nation from external enemies. 'Let us fly,' he said, 'to the aid of Portugal, 'by whomsoever attacked, because it is our duty to do 'so, and let us cease our interference where that duty 'ends. We go to Portugal, not to rule, not to dictate, 'not to prescribe constitutions, but to defend and pre-'serve the independence of an ally.'

Perhaps there is no event in his official career which so raised Mr. Canning in public estimation, both

at home and abroad, as his unflinching and successful support of this vital principle on which the independence of nations essentially depends, against the league of absolute Monarchs, who had made the assertion of the opposite principle their actual bond of union.

Mr. Canning lived to see 'the effect of the assertion 'of sound principle by a British Minister.' The Holy Alliance was dissolved in all but in form, and its several members became willing cordially to cooperate with the British Government in affairs of mutual interest. During his life there were no more forcible interferences in the internal concerns of unoffending independent States, and this principle 'finally,' at least so far as finality can attach to affairs continually going on, for some time 'pervaded the general policy of Europe.'

Mr. Canning died in August 1827. Shortly after he was succeeded by the Duke of Wellington. His Grace was no admirer of Mr. Canning's policy, yet he knew the value of this principle, which had so long, through good report and through evil report, whether advantageous or disadvantageous to England's immediate interests, been identified with the fame, the fortune, and the honour of his country.

Accordingly, when Charles X., in consequence of acts marked with the extreme of rashness and folly, was driven into exile, and a Prince was elevated to the vacant throne by the popular voice, the Duke made no inquiries into the legitimacy of his title; nor did he wait to see what course other Governments would take, but at once he manfully set the example of recognising the newly established monarch as King of the French.

When, however, a few months after, the insurrection at Brussels took place against the House of Orange, there arose a very different state of things, with which the British Government had to deal. The Dutch Belgic Kingdom of the Netherlands had been created in 1815 by the Congress at Vienna. Its forcible divarication, whether by internal commotion or by foreign aggression, affected the maintenance of existing treaties. Great Britain consequently was not a free agent; she was compelled by good faith to take some decided part in the future settlement of those countries. Accordingly Lord Aberdeen, who was then Foreign Secretary, was meditating a conference with the other Allies, parties to the treaties of Vienna, with a view to an 'amicable interference,' when the Government of the Duke of Wellington was outvoted in the House of Commons, and resigned.

This event did not take place before those of their opponents who were destined to be their successors had not only expressed their opinions on this particular question of the Netherlands, but had also (following in the steps of their former celebrated leader, Mr. Fox) stamped with their unequivocal approbation this non-interference principle.

Some, indeed, as may be seen by the following quotations, went much further than the Tory Ministers; for they required abstinence from even 'amicable interference.'

'We are not bound,' said the future Premier, Earl Grey (Nov. 8, 1830), 'to interfere by any obligation 'whatever. If we are not so bound, I repeat, my

'Lords, that in my opinion sound policy, justice, and 'respect for the independence of other people, as well 'as regard for the interests of this country, enjoin us on 'the present occasion not to interfere with the internal 'affairs of Belgium.'

Lord Lansdowne, afterwards President of the Council in Lord Grey's Government, on the same occasion deprecated the 'appearance of intervention even by way 'of advice, unless required by the people of that 'country themselves.'

And Lord Palmerston, the then future Foreign Secretary, with his usual neatness and clearness of expression, affirmed that 'every nation has a right to manage its 'own internal affairs as it pleases, so long as it injures 'not its neighbours.'

It is impossible, therefore, to imagine any people more deeply pledged to a principle of international law, and to a course of conduct founded on it, than was the British nation. For more than forty years it had been made an undeviating rule in their dealings with foreign nations. British statesmen had proclaimed it, not once, not twice, but on every imaginable occasion. When set at nought and violated by neighbouring States, in Parliament and out of Parliament the conduct of those States had been made the subject of indignant vituperation. Everything had been done that men could do to stamp on it a sacred character of inviolability. The faith, the honour, the fair fame of the nation were deeply pledged to adherence to it. All parties vied with each other in the vehemence with which they affirmed that the nation was bound to a strict observance of it. When, therefore,

the Whigs succeeded to the power which the Tories had held, with a brief interruption, for upwards of sixty years, the character of Great Britain in the European Continent had attained that high position which Macaulay truly says 'is the greatest advantage which 'any Government can possess, viz. to be the one 'trustworthy Government in the midst of Governments 'which no one can trust.'

NOTE.—The substance of these last two chapters will be found in a series of letters by the author, signed 'Lex Publica,' which were inserted in the 'Morning Herald' between the 5th and the 10th of April, 1850. The author had the satisfaction of finding all which the letters contained confirmed by the late Sir Robert Peel three months after, at the conclusion of the last speech which he ever delivered in the House of Commons (June 29, 1850).

CHAPTER IV.

BELGIAN REVOLUTION—SEPARATION OF HOLLAND AND BELGIUM—CONDUCT OF THE REFORM MINISTRY OF GREAT BRITAIN WITH RESPECT TO THE KINGDOM OF THE NETHERLANDS.

THE first important question of foreign policy with which the new Ministers had to deal related to the complications which arose out of the popular outbreaks throughout that half of the kingdom of the Netherlands now known as the kingdom of Belgium.

The Premier (Earl Grey), the President of the Council (Lord Lansdowne), the Foreign Secretary (Lord Palmerston) had solemnly recorded their opinions as to what British policy ought to be on this question. They did so immediately preceding the resignation of the Duke of Wellington and their own accession to office.

'We are not bound,' said Lord Grey, 'to interfere 'by any obligation whatever. If we are not so bound, 'I repeat, sound policy, justice, and respect for the inde- 'pendence of other people, as well as regard for the 'interests of this country, enjoin us not to interfere with 'the internal affairs of Belgium.'

'I cannot help feeling surprise at what the noble 'Earl (Aberdeen*) stated,' said Lord Lansdowne, 'that 'the Government only contemplated amicable interfer- 'ence such as would be beneficial to the Low Countries

* Then Foreign Secretary.

'and conducive to the interests of Great Britain; for 'that interference, in times like the present, is contrary 'to the usual policy pursued by this country, must be 'pernicious to its interests, and can only lead to the 'most dangerous results.'

Lord Palmerston laid down the principle of non-interference in the clearest way; and Mr. Brougham denounced the idea of a Congress, or any interference whatever.

On the other hand, the Duke of Wellington considered that the Powers parties to the treaties of Vienna 'would doubtless claim their indisputable right to give 'their opinions on the future explanations of the 'articles. But he would assure the House that there 'was no intention on the part of His Majesty's ministers, nor on the part of any other Power, to interfere 'by *means of arms* with the arrangements respecting 'the Netherlands.'

All parties thus repudiated the idea of interference by means of arms; but the Duke took the correct view: for, 'No doubt the Powers parties to the treaties of 'Vienna had an indisputable right' to consult with each other, and to urge strongly on the belligerents the adoption of such recommendations as the Powers might deem it advisable to make for a settlement of their differences. Treaty conferred this right, although neither of them solicited advice. But the King of the Netherlands did appeal to his Allies to assist him in settling the disorders which prevailed in the Belgian portion of his dominions, and to aid him in restoring his authority.

The Duke of Wellington and Lord Aberdeen therefore judged wisely in causing England to join the Conference of the Allies on the affairs of Belgium; and although the new Ministers had condemned this course, they also acted wisely in continuing, when in office, to follow it. And had they used their influence to restrain the Congress within the limits of amicable advice, all would have been in perfect keeping with 'sound policy, 'justice, and respect for the independence of other 'people,' as well as with 'the usual policy' hitherto 'pursued by this country.' But instead, they allowed themselves to be drawn into becoming consenting parties to an authoritative, arbitrary award, affecting not only the common rights of Holland and Belgium as a united Kingdom, but the rights of Holland necessarily appertaining to her as a separate and independent State. This was the first step in the wrong direction. If it were right to make an authoritative award, and to demand submission to it, it could hardly be wrong to take the measures necessary for its enforcement. It bore too close a resemblance to the decrees of the Holy Alliance at Troppau and Laybach, which were enforced by arms.

The award turned out to be equally distasteful to both parties, but the Conference pronounced it to be 'fundamental and irrevocable.' On this determination of the Conference being communicated to the two belligerents, Holland, though sorely against her inclination, at once consented to accept it. But Belgium repudiated it altogether. Holland, however, by thus acting, and by doing what was required of her in accepting the

proffered terms, concluded a contract with the Allies; and six several times did the Conference declare that they were bound in honour and good faith to adhere to the contract. They could, therefore, be honourably released from the obligation only by the act of Holland.

This 'fundamental and irrevocable' award was, however, set aside by a fresh one, not more in favour of Holland, as a reward for compliance, but somewhat perversely in favour of Belgium, which had spurned the authority of the Conference.

Some of the requirements of this new award were intrinsically unjust towards Holland; inasmuch as Belgium was to have the privilege of navigating Dutch waters, and making canals through territories which were wholly Dutch. Such conditions the Conference had no right to impose upon an independent State.

Next—the citadel of Antwerp was to be surrendered to Belgium without any equivalent.

Thirdly—the Duchy of Luxembourg was to be annexed to Belgium. This Duchy had, in consequence of certain arrangements at the Congress at Vienna, been made part of the German Confederation. The King of Holland was its Grand Duke. It belonged to the House of Nassau, and was not connected, except through its Duke, with the United Kingdom of the Netherlands. It never had belonged to either Holland or Belgium. To this country the insurgent Belgians laid claim; for when the insurrection took place in Belgium, and was successful, the inhabitants of Luxembourg revolted, and were equally successful in throwing

off the authority of their Grand Duke, the Dutch King. Therefore it was agreed that if the Belgians were allowed to throw off the dominion of the House of Orange, and declare their independence, it was unfair to the inhabitants of Luxembourg to deny them the same privilege.

Here then the mischievous consequences of the first false step—the joining in making an authoritative award, and demanding submission to it—become manifest. For in order to deal fairly by the people of Luxembourg, the Conference had to break faith with the King of Holland. The Conference had declared, in the course of their deliberations, that the claim of the Belgians to the Duchy was inadmissible; but, by the new arrangement, they assigned the greater part of the Duchy to Belgium.

This fresh award the King of Holland indignantly rejected. In vain did his Dutch Majesty demand the fulfilment of the original agreement. The only answer which he could obtain was, that the new award was, like the last, 'fundamental and irrevocable.'

The King then renewed hostilities. He would have entirely succeeded in restoring his authority—for the boastful Belgians fled, like sheep from a dog, before the Prince of Orange—had not France sent an army to their rescue. On hearing of this French interference the King ordered his son to withdraw his forces.

Then came the almost inevitable sequence to the first wrong step. The King was undisguisedly told that, if necessary, compulsion would be used in order to enforce compliance.

England thus declared her readiness to take up arms,

and thereby to set at nought the non-intervention principle which her statesmen had so recently asserted; and, what was far worse, in so doing she broke the faith which she had plighted, and the pledges which she had given to the King of Holland. In point of fact, the award was not carried out without the employment of force.

Whilst the city of Antwerp had been from the beginning in the hands of the Belgians, the citadel remained in the possession of Holland. The Dutch King, disregarding the threats of the Conference, refused to surrender it. It was then proposed at the Conference to employ force to compel its surrender. Russia, Austria, and Prussia refused to join in any *forcible* measures. But the British Ministers had no scruples. In conjunction with France they proceeded to act. They were not content with merely sending a fleet to Antwerp to cooperate with the French army in laying siege to the citadel, the possession of which it was the object to gain, but they had recourse to other acts of hostility; for they laid an embargo on Dutch vessels in British ports.

After a gallant defence the fortress succumbed to the overwhelming forces of the assailants!

Thus did those statesmen, who, just before they came into power, shuddered at even the 'appearance of in-'tervention' of any kind, go on, step by step, from acts of inconsistency to acts of injustice, from acts of injustice to acts of bad faith, till at last they involved their country in an act of lawless violence, and levied war on a weak ally, who had not given the slightest cause of offence to the British nation!

The real motives which actuated the conduct of the British Government in these transactions may be surmised: I believe they have never been openly avowed.

The affinities between France and Belgium were many and various: there was a very large party, probably the largest, amongst the Belgians who wished for a union with France. Both nations had very recently succeeded in overthrowing their respective Governments, and liberty and freedom were their common watchwords; they had for the most part a common language, and within the century Belgium had actually formed an integral part of the '*Grande Nation.*' The advantages to Belgian trade and commerce from the connection were by many thought likely to be great. The danger of so great an accession to the power of France seemed imminent; and the temptations to avert it, if possible, were strong.

Perhaps too the 'grand conception' (as it was called), which afterwards was developed, was already working in the mind of the Foreign Secretary. From a strong Tory, he had become a convert to Reform. In his zeal for his new calling, he had conceived the idea of uniting all the Western constitutional Powers—Portugal, Spain, France, and Great Britain—in one common league against the absolute monarchies in the East of Europe, viz. Prussia, Austria, and Russia. To this political object was added the supposed necessity for conciliating the French people. Such were the probable temptations which served to banish from the minds of the members of the British Cabinet their natural regard for consistency, honour, and good faith.

They were prepared to declare war against France had the French King consented to accept for his son, the Duc de Nemours, the Belgian crown, when it was offered to him; but, that danger avoided, anything was to be done to avert the greater danger of a regular incorporation with each other of the two countries.

All other considerations were accordingly set aside, for the sake of conciliating the King of the French, and of preventing the crisis from terminating in the absorption of Belgium by France. For this object war was waged against Holland, and Antwerp was besieged. For this object the Belgian fortresses—those barrier fortresses which Marlborough and Eugène in the last century, and Wellington in this, considered as essential to protect Europe from French aggression—which were constructed, in a great measure, at the expense of England, Austria and Prussia—were complimented away; the British Government actually *suggesting* that five of them should be dismantled, and accepting in their stead a paper guarantee. 'It was absurd,' said the Duke of Wellington, 'to talk of a 'guarantee of neutrality being a valid security for the 'independence of the new kingdom. Those who in '1814 annexed Belgium to Holland, knew there could 'be no permanent guarantee save what the means of 'warlike resistance afforded. They therefore assisted in 'creating the frontier fortresses: and if the two kingdoms 'of the Netherlands required this barrier of defence, still 'more would the new kingdom, the weaker and smaller, 'require every internal security.'

The guarantee given by the British Government was

for the 'perpetual inviolability, integrity, and neutrality 'of the Belgian territory.'

Now Belgium is a weak State—so weak that she was held to be incapable of maintaining and defending the fortresses within her own dominions—the fortresses which had been trusted by Europe to her keeping.

A defensive alliance binds the State contracting it to go to the aid of its ally, in case of an unprovoked attack upon his dominions, and to make in his behalf every reasonable and practicable exertion—practicable in extent and reasonable in duration; but a guarantee knows no limits, either of time or of degree. The integrity of the territory of that Ally must be maintained, at whatever cost the effort to maintain it be prolonged —nay, though the guaranteed Power should contribute almost nothing to the maintaining it.

Such are the obligations which this country is at present under. Are we prepared to fulfil them should the occasion arise? May not some one of the very parties to the guarantee be the cause of our being called upon to execute our contract? If Great Britain should call on the other guaranteeing States to join her in the effort, as they are bound by treaty to do, is it probable that they will go the length of ever fulfilling the obligations of a defensive alliance, by exertions practicable in extent and reasonable in duration, to maintain the territorial integrity of Belgium? Is it at all likely that they will go, as they are bound to go, so far as to exhaust their life-blood for such an object?

The position, then, in which Great Britain is placed by this undertaking, is in every respect most embarrassing.

Should any seizure of Belgian territory take place, by any neighbouring Power, this country is bound by treaty not only to commence but to continue hostilities till the conquered territory is restored—however hopeless that restoration may be.

If it be said that that would be impossible, and that we cannot be called upon to perform impossibilities—then why did the Government thus hamper the good faith of the country? why thus lightly, for the sake of temporary gain, pledge the honour of the British nation to pursue a course which, if she were to persevere in it, might be attended with discomfiture and ruin?

British honour and good faith ought to be the first thing which British statesmen should vigilantly guard. Whatever engagements they enter into should be rigidly fulfilled. This country in former times stood unrivalled amongst the other nations of Europe in the fulfilment of her engagements. Her statesmen ought, therefore, carefully to avoid entering into compacts calculated, from the difficulty of their fulfilment, to deprive her of this proud preeminence, nor ought they to be lured into contracting them by the example or solicitation of unscrupulous Powers.

What moral weight did not she derive from the belief which once prevailed, that what England undertakes that she will perform, that 'where the standard 'of England is planted there foreign dominion shall not 'come.' *

Considerations such as these, however, had little weight with statesmen who could be parties in pledg-

* Mr. Canning's speech on Portugal, Dec. 10, 1805.

ing themselves to the King of Holland, by oft-repeated promises, to adhere to a compact into which they had voluntarily entered, but who on the very first temptation did not hesitate to break through it.

To all this it is no answer to point to the general advantages which have arisen from the settlement which was then made of Belgian affairs. It may be quite true that Belgium has flourished greatly since the establishment of her independence—that in 1848 she remained unshaken amidst the convulsions of surrounding nations, and that a settlement which has lasted so long can hardly have been an unwise one.

But Belgium presents more than one important aspect to England and to Europe. Her internal prosperity and tranquillity are doubtless important, but the power to resist external aggression is still more important. The state of peace which has for so long prevailed, and the rule of a sagacious King, which has so long existed, have been eminently favourable to the former; but that very state of peace has prevented the latter being tested, nor will it be tested till a general war once again brings the armies of France into the field.

Moreover it is certain that, if France had not forcibly interfered, Belgium would have remained united with Holland.

But, whether the arrangement were wise or unwise, it is certain that the unfortunate course taken by the British ministers on this Holland and Belgium question struck the first blow at the proud position which Great Britain held as 'the one trusted Government' in the world.

CHAPTER V.

SPAIN AND PORTUGAL—THE QUADRUPLE TREATY BETWEEN SPAIN, PORTUGAL, FRANCE, AND GREAT BRITAIN.

THE question of foreign policy which next occupied the attention of the Reform Administration arose out of the affairs of Spain and Portugal. It thus originated.

By the constitution of the old Castilian monarchy, and after the union of the three kingdoms of Castile, Arragon, and Navarre under the Austrian dynasty, females could succeed to the Spanish crown; but when, in 1699, the dynasty was changed (in consequence of the extinction of the reigning family in the person of Charles II.), and a member * of the French house of Bourbon mounted the throne, in conformity with the custom of that royal house the Salic Law was established for regulating the Spanish succession.

In the year 1830 the health of the then king, Ferdinand VII., began to fail. He had recently married a young Princess, and as yet had had no children. His wife, being a woman of lively imagination and ambitious temperament, exercised great influence over him; and, being alarmed at the prospect of all power departing from her in case of his death, she deemed it advisable, in order to guard against such contingency, to prevail

* Philip V.

on the King to issue a *Carta Legia* (March 30, 1830) abolishing the Salic Law, thereby admitting to the throne any daughter she might bear to her husband. On this contingency occurring, Don Carlos, the King's brother and next heir to the throne, would be deprived of his right to the succession.

Shortly after this act, the birth of a princess justified the precaution of the Queen.

Two years afterwards, Ferdinand being supposed to be at the point of death, the partisans of Don Carlos persuaded His Majesty to revoke this Carta Legia; but on his recovery, when he found out what he had done, he cancelled the instrument of revocation, and called the Cortes together to register his new decree. Shortly after this act the King died. Whether the purport of this last Carta Legia was within the scope of legality—whether, if it were, it passed through the forms necessary to establish its legality—are to this day disputed points on which those well versed in Spanish law hold opposite opinions. It is hardly possible for an English statesman to arrive fairly at a decided conclusion on the merits of a case in which the arguments on either side are so nicely balanced; for it must be admitted that a Spaniard, without being consciously guilty of any act of treason, might attach himself to either side, and honestly believe that he had chosen the right one.

The other reigning branches of the house of Bourbon protested against the decree, and Don Carlos, when strongly urged by his brother, refused to recognise its validity. It was certainly not one of those clear

cases in which one side was evidently in the right and the other evidently in the wrong.

Before Ferdinand died, his queen had another daughter. His death at once brought into active antagonism the supporters of Isabella, his eldest daughter, and the supporters of Don Carlos, who had once been recognised without dispute as next and presumptive heir to the Spanish throne in case no son was born to his brother.

Ferdinand's widow, Queen Christina, forthwith assumed the Regency, in accordance with the King's will, in the name of her eldest daughter, Queen Isabella, and she forthwith proceeded to perform acts of sovereignty. The most remarkable of them was the summoning of the Cortes, whereby she secured the support of the liberal party, which was then the more powerful one at Madrid, as well as in most other parts of Spain.

Don Carlos protested against his exclusion. He was the representative of the absolutist party. His partisans were chiefly in the north, but more especially in the Basque provinces, where he was supported not only as the legitimate king, but as the maintainer of those much valued privileges (*fuéros*) possessed by the inhabitants, and which it soon appeared the Queen Regent and the Cortes were bent on destroying.

Both parties were alike desirous to secure the friendship of Great Britain, and both were equally anxious to avoid giving to her any cause of offence.

Civil war commenced, and if ever there was a case of intestine strife in which—owing to the great uncertainty as to which party was in the right, to the extreme barbarity with which the contest was conducted,

and to the entire absence of offence—there did not exist a shadow of an excuse for authoritative, much less forcible interference on the part of a foreign State, it was in these internal disputes in the Spanish portion of the Peninsula.

The case of Portugal, though in some points strangely similar to that of Spain, was in one respect essentially different. There also a young girl was on the throne, and her uncle was the Pretender to it—but then no reasonable doubt could be entertained that the lawful Sovereign was the young Queen, Donna Maria de Gloria. She was the daughter of Don Pedro, Emperor of Brazil, who was the eldest son of John VI. king of Portugal. The Pretender Don Miguel was the younger brother of Don Pedro; he had been obliged to quit Portugal in his father's lifetime, in consequence of an unsuccessful attempt which he made to dethrone his father, and to make himself master of the government. When the King died, Don Pedro was immediately recognised by all as King of Portugal: and when the news of his father's death reached Brazil, the new King granted a constitution to Portugal, and then abdicated in favour of his daughter, Donna Maria, on the condition that the constitution should be accepted.

The cause of the young Queen, as in the case of Spain, thus became identified with the cause of liberal institutions. For Donna Isabella, a sister of Don Pedro, having been made Regent at her father's death—Don Pedro continued her as Regent, and under her rule the constitution as *octroyée* by Don Pedro was accepted by the Portuguese nation.

It was on the occasion of Spain endeavouring by force to overthrow this constitution that Mr. Canning's expedition to Portugal was sent in December 1827.

For some months it was a matter of debate, whether Don Miguel, who was residing at Vienna, should be allowed to return to Lisbon; but as he had taken the oath to the constitution in due form in the presence of the Portuguese ambassador at that court, and as he bound himself to renew the oath on his arrival at Lisbon, it was thought that to allow him to return would perhaps be the least dangerous course: accordingly no opposition was made to his setting out for and returning to Lisbon. He had not, however, been there many months before he contrived to overthrow the constitution, and to make himself absolute King. After a time Don Pedro returned to Portugal, carried on successful hostilities against his brother Miguel, and replaced his daughter on the throne. Towards the end of the contest, but whilst Don Miguel was still possessed of some of the fortresses in Portugal, and still had a small army under his command, Don Carlos was driven out of Spain and took refuge with Don Miguel. Both, however, nearly at the same time quitted the Peninsula, but before their departure a step was taken by the British Government of most unusual import.

Great Britain, in conjunction with France, entered into a treaty with the two Queens of Spain and Portugal, in which the two first named Powers agreed to assist the two latter in expelling from the Peninsula the two claimants to their respective thrones, and to adopt measures for the purpose of depriving them of the means of giving further annoyance.

Now, whatever excuse might have been set up for British proceedings in the Netherlands, in consequence of Great Britain being a party to the treaty by which that kingdom had been constituted, nothing of the kind can be urged in palliation of this quadruple treaty, which was an undisguised and unquestionable violation of the non-intervention principle.

Assuredly this country had not the slightest right *forcibly* to interfere in the intestine quarrels of Spain and Portugal. Everything in the condition of Spain ought to have prevented a British statesman from involving his country in such a conflict. The nation was not even divided into distinct parties. The Carlists, on one side, were indeed united amongst themselves: but the Christinos, the supporters of the throne of Isabella, were at variance amongst themselves. The Queen Regent was at the mercy of the various factions which surrounded her. The new constitution had no stability; the legislature was at first the old Cortes, constituted by the *Estatudo Real.* But within a year from its establishment, an armed force broke into the palace of the Queen at St. Ildefonso (August 12, 1836), compelled her with threats of death to sign a decree abolishing the Estatudo Real, to maintain which she had solemnly sworn, and to establish the more democratic Cortes of 1820 in its stead. The Prime Minister, Quesadâ, was driven from Madrid, and murdered in cold blood, by an infuriated populace, in an obscure inn where he had taken refuge, at a short distance from the capital. At Barcelona, at Saragossa, at Cadiz, at Valencia, at Malaga, and in various other parts of the

country, scenes of riot and bloodshed were of daily occurrence. Convents and monasteries were burnt down; monks were murdered by scores, when escaping from their burning homes; and anarchy almost everywhere triumphed. Such was the condition of those portions of Spain not in possession of Don Carlos and his partisans.

The mode of warfare harmonised with these excesses. Prisoners on both sides, when taken, were shot. As one specimen out of many of the ferocious nature of the strife, take the proclamation of General Mina, on assuming the command of the Queen's army.

'Death,' said the General, 'without pity shall be the 'lot of all who shall show any favour to the cause of 'the insurgents; and let me add, I know how to keep 'my word . . . The village of Lecaroz was faithless 'to Her Majesty, and sustained her enemies. This 'afternoon I delivered over this village to the flames, 'and have shot one out of every five of the inhabitants, 'as a punishment for their crimes.'

With such a cause, led by such men, the Government of Great Britain thought fit to identify their country!

Don Carlos having returned to the Basque Provinces, the British Government further bound itself to supply the Spanish Queen with such arms and ammunition as she might 'stand in need of, and if necessary, to assist her with a naval force.

Objectionable and indefensible as were all the provisions of this treaty, they were carried out in a still more unjustifiable manner.

The cause of the Carlists prospered—that of the

Queen retrograded. Then the Government at Madrid applied for further aid from the British Cabinet in the shape of an armed force of the regular army. The Cabinet had not the manliness or the courage openly to comply with this request. They said—If France chose to supply troops she was welcome so to do. They would make no objections! The French King refused. Then it was that the request was made to allow the agents of the Spanish Government to raise a force in England. This was forbidden by law; but the King had the power, by proclamation, to suspend the prohibition. This degrading step the Ministers resolved on taking. Accordingly a proclamation was issued for an unilateral suspension of the law. Thus it became lawful to raise troops for the service of the Queen of Spain, but not for the service of Don Carlos. Forthwith the streets of London and the sea-ports were traversed by parties of recruits; they were paraded below the windows of the Horse Guards, under the very eyes of the Ministry. A body of about 8,000 British mercenaries were thus collected through the special encouragement of the Government. The metropolis had never before witnessed a similar scene. If former Governments had encouraged Britons to fight, at any rate it was in the defence or in the service of their own country, not as mercenaries in a foreign cause.

The news of these armaments reached the ears of Don Carlos and his advisers, who, in order to deter men from enlisting in the service against him, to take part in a quarrel in which they had no interest, nor, according to the law of nations, any right to interfere,

issued a decree warning any foreigner who should be found in the ranks of his rebellious subjects, that he would be held to be out of the pale of civilised warfare, and would, if made prisoner, be immediately shot. However unjustifiable this decree, still it must be remembered that a foreign mercenary who volunteers to meddle in a civil war is far less entitled to compassion, if he meet with such a fate, than the natives themselves, who, by the cry that 'He that is not with us is against 'us,' are forced to belong to one party or the other. Be that however as it may, the contents of this decree obviously presented most appalling considerations to the gallant men who were enrolled in the service of the Queen of Spain, under the command of Colonel Evans. Hearts ready to endure all the hardships and to brave all the dangers of ordinary warfare, might well quail before the prospect of being led out, as criminals, to execution, and dying certainly without glory, hardly without disgrace.

Under these novel circumstances there were two courses which the Government might have pursued—

(1). They might have used every exertion (a slight one would have been sufficient) to ascertain whether the decree was genuine, and if it were found to be so, they might have at once made known the fact in all the quarters of the new recruits; fairly warning them of this new and unlooked-for addition to their dangers, and affording to them the option of abandoning the enterprise.

(2). Or, they might have done their utmost to discredit the belief that the decree had really been issued.

Unfortunately they chose the latter course.

When questioned on the subject by Lord Londonderry, the Premier (Lord Melbourne) declared that he did 'not believe the decree was genuine, he thought 'it was a forgery:' and the Foreign Secretary, Lord Palmerston, reiterated in the House of Commons this opinion of the Premier. Further they stated, not as a matter of belief, but as a matter of fact, that the British soldiers would be protected by Lord Eliot's convention. On the faith of these assurances nearly 8,000 Britons went to Spain; but, alas! were they protected by the convention? Let Lord Melbourne answer.

'Don Carlos,' he said (February 13), 'has, in spite of 'all remonstrances, persevered in this decree. I believe 'that *many* cases have occurred in which that decree has 'been carried into execution, and whenever any commu-'nication has taken place with officers attached to Don 'Carlos, and they have been asked whether that decree 'had been relaxed, the answer has uniformly been, that 'the decree is still in force, and that it would continue 'to be carried into execution.'

In some degree this army of mercenaries helped the Queen's cause; but its end was as deplorable as its origin was ignominious. The officers and men, indeed, who composed the Legion, behaved with the usual gallantry of British soldiers. But although the British Ministry had done everything to encourage the expedition, it seems they held that they neither were responsible for its fate, nor was it their duty to take any steps to preserve it from ruin. The men were 'volunteers,' they need not have gone unless they liked it! Little

had the poor fellows foreseen the true nature of the expedition, in which their Government had enticed them to engage! They melted away, like snow in the sunshine, under the hardships which they had to encounter. Death in its varied forms of disease, of cold and of famine, and, though last, not least, death by the hands of Don Carlos's executioners, befel the great majority. Perhaps the living were more to be pitied than the dead: without clothes, without food, without shelter, and without pay—viewed with jealousy by the Spanish Queen's Generals with whom they came to cooperate, no condition could have been more forlorn.

And yet this was only what ought to have been foreseen, and provided against, by the authors and encouragers of the expedition. In the treatment of the Duke of Wellington's armies by the Spaniards, (when, as is well known, those armies must have perished, had even his mighty genius been left to depend exclusively on Spanish funds, provisions, and cooperation,) ample warning had been given, which ought to have been taken and acted on, but all responsibility was repudiated, and the British Ministers displayed nothing but indifference.

Colonel Evans returned to England leaving his followers in a woful plight, and the remnant of them were brought back to their native land in a still more deplorable condition. They had done some service to the cause which they went to support; but nevertheless upwards of two years elapsed after their departure from Spain before the civil war was ended.

Such was the fate of this mongrel expedition—sufficiently British to discredit Great Britain by its

failure—sufficiently Spanish to secure to Spain the exclusive glory of success, had success attended it. Dishonouring to all concerned in it, save the brave officers and men, who thought that they were serving their country, and who did not know how to draw the refined distinction, which the Ministers drew, between what the King's Government itself undertakes, and what it only encourages to be undertaken by others. If it please God to grant that so ignoble and so unworthy an experiment shall never again be tried, the bitter experience to be derived from this one will not be without its value.

The treatment of the Legion, however, did not induce the Ministry to withdraw from this fratricidal contest. To the last, the Spanish Queen was 'assisted 'by the naval forces' of Great Britain, and 'such arms 'and ammunition of war as her ally stood in need of 'were supplied' by the British Government.

In carrying out this quadruple treaty, so far as Portugal was concerned, there did not occur any transactions such as those which have been detailed, and which occurred with regard to Spain. The Pretender, Don Miguel, after he left the shores of his native land, did not again return to them, and the civil war, so far as it was identified with his cause, entirely ceased.

But the unfortunate volunteers, who, before the quadruple treaty, and without any encouragement from their own Government, had joined the ranks of Don Pedro, met with no better fate than their fellow-countrymen of the Spanish Legion.

The arrears due to them were left unpaid—the men,

on whose bravery sole dependence was placed when danger threatened, were left to wander through the streets of Lisbon in poverty and rags, prolonging a miserable existence on scanty rations of beans and bread, with the occasional addition of a morsel of salt fish.

'Such are the rewards,' observes a cotemporary historian, 'which await adventurers or zealots, who 'hire themselves out to be the mercenary supporters of 'foreign revolutionary Governments.'

After, however, the exile of Don Miguel, Portugal suffered from similar scenes of anarchy and bloodshed to those which prevailed in Spain. Revolutionary attempts to overthrow the Government were more than once made, in one instance successfully.

The Reform Administration had now taken two great steps to overthrow the principle of non-intervention, which, as was observed by the Duke of Wellington (July 9, 1834), 'the noble Earl (Grey), on the very night 'on which he accepted office, had declared should be 'one of the three great principles on which his govern-'ment should be conducted.'

'My Lords,' said his Grace, 'I do say that this country 'has no right to interfere in the affairs of Spain and 'Portugal. The object of the quadruple treaty is, of 'all others that I have ever seen, the most opposed to 'the political system on which this country has ever 'acted. It tends to introduce foreign arms into Portugal 'and Spain, not of interference casually, but for the 'purpose of perpetual interference in the internal affairs 'of those countries.'

'I am sorry to say,' added the Duke, 'that England 'has now lost the position which she formerly occupied 'in the councils of Europe—the great influence and 'benevolent position which enabled her not only to 'preserve peace by her advice, but to preserve harmony 'and a good understanding between the Powers.'

Notwithstanding, however, this protest of the Duke of Wellington, by many, probably by the public in general, the quadruple treaty was looked upon as a master-stroke of sound policy. They fancied that the alliance of the four Western powers, each enjoying what were called 'free institutions,' would serve as a counterpoise to the union of the three great Powers in the north and east of Europe. In the cant phrase of the day, this policy was described as a 'grand conception.'

CHAPTER VI.

TURKEY—FORCIBLE INTERFERENCE BY GREAT BRITAIN WITH HER INTERNAL AFFAIRS.

THE relations of the Ottoman Porte with its too powerful subject, Mehemet Ali, Pacha of Egypt, had, for some time previous to the year 1838, been of a very unfriendly character; but in that year the Sultan, Mahmoud, could no longer endure the daring pretensions of the Pacha, whom he accused, not only of refusing to pay tribute, but of venturing to assume to himself some of the attributes which belong exclusively to the Sultan.

Mehemet Ali had actually taken under his superintendence the administration of the 'holy' cities of Mecca and Medina.

On matters affecting the Mahommetan religion a Turkish Sultan was sure to be sensitively jealous, and it was therefore not to be wondered at that a man of so determined a character as Sultan Mahmoud, considering himself thus aggrieved, should resolve to put down his refractory vassal by force, rather than brook any longer his haughty and insubordinate demeanour.

Accordingly the Sultan collected a very powerful army under the command of Hafiz Pacha, the Seraskier, on the eastern bank of the Euphrates, to menace

Syria, a province under the sway of Mehemet Ali by a former treaty, which had received the sanction of Great Britain.

Various efforts were made to dissuade the Sultan from pushing matters to extremities, but in vain; the Seraskier received orders to cross the river, and to drive his foe before him. A fierce battle ensued between the two armies, at Nezib, when the Egyptian forces under the command of the celebrated Ibrahim Pacha, the son-in-law of Mehemet Ali, completely defeated the Sultan's troops. The tidings of the disaster, however, never reached his ears. He had for some time been in a declining state of health, and died on the 1st of July, 1839, and was succeeded by his son, Abdul-Medjid. The young Sultan was of a very different character from his father. Weak and sensual, the change at such a moment augured ill for the future of the empire, which had long shown symptoms of decay, and which many thought was fast tottering to its ruin.

The new reign had hardly commenced when the Porte received a fresh and still heavier blow. Sultan Mahmoud had not only collected an army, but he had equipped a formidable fleet to operate against his rebellious vassal. Ill as he was, he had accompanied it down the Bosporus on board the ship of the Capitan Pacha, to whom he had entrusted the command. Now this man was a traitor; he treacherously carried over the whole fleet to Mehemet Ali, and placed it at the Pacha's disposal in the port of Alexandria.

The Egyptian Viceroy, already triumphant on land, through the prowess of his own arms, was thus made

all-powerful at sea by the desertion to him of his master's fleet.

Notwithstanding however the strong position in which the Pacha thus found himself, he was still desirous of terminating the quarrel. Whether he had any misgivings as to the course which the great Powers might adopt towards him, if he made any serious attempt to seize the government at Constantinople for himself, or whether he was overawed by the sanctity which necessarily surrounds, in the eyes of a Mahommetan, the throne of a Sultan, may be doubtful. But certain it is that he made propositions of peace to the Porte, to which the Divan was inclined to accede.

When suddenly, at this crisis, an important concerted step was taken by the five great Powers—Russia, Prussia, Austria and France, and also *Great Britain*! (for this country had now become an active member of that conclave, from participating whose designs and practices her former statesmen had religiously kept her.)

It was on the 27th of July (1839) that the diplomatic representatives of the *five* great Powers presented to the Porte the following collective note:—

'The undersigned received this morning instructions 'from their respective Governments in pursuance of 'which they have the honour to inform the Sublime 'Porte that the five Powers have agreed to discuss and 'settle together the Eastern Question. They accordingly 'invite the Divan to suspend a definitive arrangement 'without their concurrence, and to confide in the benevolent intentions of the mediating Powers.'

The motives which induced the British Cabinet to

promote and to join in this proceeding were openly avowed. Both Great Britain and France dreaded, and not without reason, that if the Porte were overpowered by the Egyptian Pacha, Russia would send, as before in 1832, an army to the rescue; being indeed bound so to do by the treaty of Unkiar Skelessi. The British Ministers feared that the Russian army, once again there, would not again retire; and that the Czar would seize for himself the prey which he would have rescued from the grasp of Mehemet Ali. For tamely submitting to such an aggrandizement of Russian power neither France nor England were prepared; and a Russian war seemed in their eyes but too probable if these events took place; a war in which Russia would have the great advantage of commencing it with *possession* already secured.

These were dangers against which a prudent English statesman would naturally wish to guard, and so strong an influence had they over Lord Palmerston that he evidently thought that it would be *expedient* to adopt almost any measures whereby they might be averted. When Russia therefore was prevailed upon to join in a combined authoritative mandate to the contending parties (although it would probably lead ultimately to employing force), his Lordship doubtless congratulated himself on the success of his policy. He had involved England already in a forcible interference in the internal affairs of Spain and Portugal. Why not therefore in those of Turkey, when such strong motives existed for doing so?

But were there no stronger motives which ought to

have made a British statesman long hesitate before taking such a step?

That Russian statesmen have ever coveted the annexation of Turkey, is certain. Situated as are the dominions of the Czar, on the shores of the Euxine, it cannot but be a source of regret that the access to those shores should be under the control of a foreign Power. If the Czar did not covet the command of that access he would be hardly Russian. Had then the danger been really as great, and the opportunity as inviting to the Czar, as the British Ministers seemed to suppose it was, what could have been the gain to Russia—what could have been the inducement to her statesmen to give up taking advantage of an opportunity for which they had so long been looking?

Possibly they thought the 'sick man' was not as yet 'sick' even unto death. Probably they were not inclined at that moment to run the hazard of a war with France and England. Possibly they thought that by weakening the resources of the most powerful vassal of the Sultan, who in time of need might fly to his assistance, the Turkish power would in reality be crippled; but whatever might have been the view which they took of the question, there was one view which assuredly they did not take, and that view was that in whatever measures they joined, they would not be such as to contribute to promote the objects of the British Ministers, viz., the consolidation of the independence and integrity of the Ottoman empire.

Of one gain, however, they were certain. By consenting to join in this authoritative interference (which

indicated ultimate force) in the internal affairs of an independent State which gave no cause of offence to its neighbours, Russian statesmen well knew a fresh proof would be given, on the part of the British Government, of the abandonment of those long-maintained professions and principles which England had so perseveringly asserted. They knew too well that she would give the sanction of her example to a course of action against which her best and greatest statesmen had proudly and firmly protested. To beguile this country into openly joining the Holy Alliance, Russian statesmen too well knew, would be a concession to the doctrines and policy of that Alliance, which was worth no inconsiderable sacrifice.

The treaties of Vienna had afforded justification for some kind of interference with the Netherlands; and the alliance with France, Spain, and Portugal had been sought to be justified or excused by being described as a combination of freedom against despotism. But there were no treaties with the Porte necessitating interference, and there were no liberal institutions either in Turkey or in Egypt to sustain; therefore a *forcible* interference in the internal concerns of such a State would be a public avowal that, in the opinion of the Government of Great Britain, it was no longer wrong, nor unadvisable, nor at variance with the principles of international law, that a standing corporate authority should be established in Europe for regulating after its own will, and according to its own view of its own interests, the internal affairs of all the weaker nations of the world.

These in all probability were the real motives which induced the Czar to join in the collective note to the Porte. That note promised 'the discussion and settlement of the Eastern question.' It so happened, however, that 'the benevolent dispositions of the mediating Powers,' in which the Sublime Porte 'was invited to confide,' were not quite as harmonious as could have been wished. France was disposed to require that the Sultan should be called upon to fulfil his engagements with Mehemet Ali, and should allow him to retain the Pachalic of Syria, as had been settled by a previous treaty; but to this the other mediating Powers would not agree.

Now, while the discussions which these differences occasioned were being carried on, a disposition was again manifested at Constantinople to come to terms with the Pacha. The Grand Vizier, Khosrew Pacha, his great enemy, was dismissed, and it was then hoped that the fleet would have been sent back and peace restored. But Mehemet Ali, secretly encouraged by the French King to look for French support, continued to hold out.

The five Powers, in the meanwhile, were unable to agree on the award which was to be binding on both parties. The French Ambassador rejected every proposition: the object of France was delay, but delay did not suit the objects of the other Powers.

Then it was that Lord Palmerston boldly (or rashly, as many thought) resolved on making a separate treaty with the three other Powers, without the consent and also without the knowledge of France.

The four Powers, thus united, lost no time in agreeing

to and making their award: the terms of which, when communicated, were accepted by the Sultan, who called on Mehemet Ali to accede to them.

The Pacha did not reject them, but tried the middle course of opening, on his own account, negotiations with the Divan. His offers not giving satisfaction, the Sultan, in his wrath, deposed Mehemet Ali from his Pachalic, and sent his firman to Alexandria to notify his act.

On this the Pacha made up his mind for the worst. He said that he would not be the aggressor, but that he would resist force by force.

The collective note, followed by the award, then produced its natural result. The four Powers resolved on their parts on the employment of force; and accordingly a powerful British fleet was sent in hostile array to blockade the coasts of Syria, and, wherever it could be done, to cooperate with the forces of the Sultan. The siege of St. Jean d'Acre, that powerful fortress which successfully resisted the first Napoleon, was taken by a *coup de main* by the British fleet; other defeats followed, and Mehemet Ali was soon compelled to submit. He consented to the terms required, if the Sultan would only grant him the *hereditary* Pachalic of Egypt. The Sultan, however, was obstinate, and refused to annul the deposition of the Pacha. And now constraint, in his turn, was to be imposed on the Monarch's will. The allied Powers set at nought his determination. *They* determined that Mehemet Ali should have confirmed to him the *hereditary* Pachalic (Dec. 6, 1840) on the condition of his giving up Syria, restoring the fleet, and

withdrawing his troops from the 'Holy' Cities. The Sultan was accordingly compelled to yield, but he imposed as a condition on the hereditary succession, that the Porte should choose the successor from the family of Mehemet Ali. But in consequence of an appeal to the four Powers against it by the Pacha, and their decision in his favour, the Sultan was forced to abandon this condition.

Thus by alternately forcibly coercing, first the Pacha and then the Sultan, the four allied Powers succeeded in settling, for a time, the internal affairs of the Turkish empire.

Now, whatever advantages Great Britain and Europe may have derived, at the moment, from the accomplishment of this settlement, it cannot be doubted but that, so far as this country was concerned, the advantages were transitory and questionable, whilst the disadvantages were permanent and certain. These proceedings afforded an additional example of the abandonment of the principle of non-intervention; they went one step further, for they showed that Great Britain had become not merely a member of the Holy Alliance, but that her Government was content, like France in 1822, to be the actual instrument for executing its decrees. No advantages could compensate for the loss of character which this course of policy involved.

The debates which took place at the opening of the next session of Parliament in 1841 showed, on the part of a few speakers, a just estimate of the position in which this country had been placed before the world by the abandonment of her ancient principles.

But, for the most part, it was not of a violation of those principles of which complaint was made. The censures were chiefly applied to the unfriendly feeling which had been produced in France, as well by her having been left out of the treaty, as by the manner in which the Foreign Secretary had effected that omission.

In the House of Lords, Lord Brougham condemned the policy, because there seemed to him no advantage in interfering, at all sufficient to compensate for the ill-will of France, whilst the Duke of Wellington did not disapprove of what had been done.

In the Commons, Mr. Grote elaborately condemned the whole policy of the Government in this matter. He 'denied that there were any mischiefs so intolerable 'or any dangers so imminent as to constitute a case of 'imperious necessity to call on the Foreign Secretary to 'force forward a new settlement at all hazards.' He said that the old settlement made by 'the Convention of 'Kutayah (1833) was one to which the noble Lord had 'been a consenting party' and that 'he had officially 'announced to Parliament that that settlement had been 'made, and that he hoped it would continue undisturbed: 'but now, when the Sultan tried to break that settlement, 'and was defeated, the noble Lord rushed in and em-'ployed the King's naval forces to accomplish its over-'throw.' He therefore 'recorded his deliberate protest 'against going beyond the limit of amicable mediation 'for trying to reconcile contending parties.'

Lord John Russell made a very able and plausible speech in favour of the course pursued, justifying it on

the ground of what *would have been* had a different course been followed. Unfortunately for such a defence, it has no certainty, it rests on conjecture, and is of course destitute of proof; it is always open to opponents to meet such arguments by substituting conjectures of their own, and each set of conjectures is adopted or rejected according to the antecedent views of those who have to deal with them.

To the credit of Mr. Joseph Hume, he condemned the proceedings on the true ground. He 'denounced it, 'not only as bad but wicked; for it had carried ruin 'and devastation into the Syrian provinces. All the 'mischiefs which had occurred, he affirmed, had arisen 'from the abandonment of the principle of non-inter-'vention.'

Sir Robert Peel suspended his judgement till he had received further information. He spoke of the exercise of our 'moral influence' with approbation, but did not condemn the exercise of our physical force, and contemplated a case in which 'the general interests and 'welfare of Europe might require an active intervention.' He censured the way in which France had been treated by the Foreign Secretary, deprecated the enormous mischiefs which had arisen to the world from this treatment of France, and deplored the vast amount of capital which had been everywhere wasted in preparations for war.

Lord Palmerston's justification of the course pursued is contained in the following sentence:—'The Sultan 'having shown himself unable to resist in the field the 'attacks of the Pacha, it became necessary for him to

'throw himself on some other Power, and the only choice 'we and the other Powers had, was to give by common 'consent to the Sultan the general protection of the 'Powers of Europe, or to allow him, as in 1832, to 'resort to the support of one Power, which, by affording 'him assistance under such circumstances, would after-'wards acquire an undue preponderance in its future 'relations with Turkey.'

For this justification, as a matter of policy apart from principle, to be of any real avail, two things are necessary,—(1) that it was indisputable that Mehemet Ali was resolved to carry the war against the Sultan to extremities; (2) that nothing short of actual forcible intervention could have prevented his doing so.

With respect to the first, facts are all the other way. The war was begun by the Sultan, and at no period, as is evident from the preceding narrative, did Mehemet Ali show a disposition to press his advantages to the overthrow of his master's throne.

With regard to the second, it is equally clear that the Pacha would have abstained from further aggression on the remonstrances of the great Powers being addressed to him.

Lord Palmerston's plea, therefore, must be set down as insufficient, and even if it could be reasonably accepted as true, it would not prove that the crisis was so imminent, the danger so urgent against which he had to guard, as to excuse the decided violation of the principles of international law which was perpetrated by this Syrian expedition. By it this country was converted into an instrument of the Holy Alliance, the cordial

understanding with France was imperilled, and the 'grand conception' was recklessly scattered to the winds.

How can such policy be accounted for? Apparently simply from not taking a sufficiently comprehensive view of the bearings, future as well as present, of the foreign policy of this great country.

Looking at the affairs of Turkey, the Foreign Secretary saw nothing else but the danger from Russia that was to be guarded against. He considered, as he told his audience, so lately as the 25th of August, 1864, that 'true political wisdom consists not in enunciating a policy 'in sonorous terms, but in applying to each question as 'it occurs' (not the recognised principles of international law and justice, but) 'the rules of common sense and 'prudence.'

But when Lord Palmerston lays down as the attribute of 'true wisdom,' the 'application to each question as 'it occurs of the rules of common sense and prudence,' he assuredly 'enunciates' a very decided 'policy,' if not 'in sonorous terms.'

It is a 'policy' which can only lead to confusion and inconsistency. This was not the first time that he enunciated it. In the month of June 1850, in reply to a question, he said in the House of Commons, 'Our 'demands were founded on the circumstances of each 'particular case, and did not involve any general pro-'position.' In other words, the recognised established principles of international law ought to be cast aside, and the so-called rules of common sense and prudence, which may be one thing to-day and another to-morrow,

ought to regulate the dealings of this nation with foreign States.

It is as if one of Her Majesty's Judges were to discard all reference to the law of the land, and to decide each case according to his own notions of 'common sense and prudence.'

This is what has been done in directing the foreign affairs of this country. If a 'policy' has not been enunciated 'in sonorous terms,' at any rate principles have been laid down as rules for conduct when they have seemed to suit with 'common sense and prudent' views—principles which have been lightly rejected, when they have not answered the desired end.

This has been done so repeatedly that it may be truly said that there has been established a new system, the *system* of appealing to international law when it serves the required purpose, and ruthlessly setting it aside whenever it does not. But it is a system which injures this country in the eyes of foreign nations, and which the sooner it is abandoned, the better for the honour and the welfare of Great Britain and for the true interests of the world.

CHAPTER VII.

AFFAIRS OF PORTUGAL—AFFAIRS OF NAPLES AND SICILY—SUMMARY.

THE year 1846 witnessed the outbreak of a formidable insurrection against the Queen and her Government in Portugal. It is not necessary here to discuss at large the causes which produced the discontent which led to this rebellion—it is enough to state that there were undoubtedly some grievances of which those who took part in it justly complained, and that the partisans of the Pretender, Don Miguel, to a certain extent favoured the rebels. For some time neither party were strong enough to gain any decided advantages over their opponents, and the civil war continued, although somewhat languidly; so that there did not appear any immediate prospect of its wearing itself out.

But towards the end of the year the Queen's general, the Marquis de Saldanha, gained a decided victory over the rebel forces at Torres Vedras. In the following year the civil war went on, but still without any further decisive success on either side. The rebel forces continued in the possession of Oporto, and early in March, Saldanha arrived on the banks of the Douro with a force little more than 5,000 strong, whilst the rebels had a force of full 6,000.

Meanwhile the agents of the British Government were trying in vain to persuade the Queen to accept British mediation. But when Sa da Bandeira, one of the rebel chiefs, had sailed from Oporto with a small force, and landed in the Algarves, where the people were strongly Miguelite, and when a new ministry had been appointed under Count Tojal, Her Majesty relented, accepted the proffered mediation of the British Government, and agreed to open negotiations with the rebel Junta at Oporto. Accordingly terms were offered by Her Majesty, through a British subject, which terms the Junta rejected.

The civil war had now lasted only nine months. It was a purely intestine quarrel; doubtless highly injurious to the Portuguese themselves, but still the two contending parties had given no offence and done no injury to their neighbours, least of all to Great Britain. Nevertheless Lord Palmerston deemed it a case for this country to interfere by force. Having obtained the consent of the great Powers, he called together a conference in London of the representatives of France, Spain, Portugal, and Great Britain, when the members authoritatively laid down the conditions which the Queen was to tender to the Oporto Junta. The conditions were fair and equitable for both sides, no undue partiality for either; but then followed the now too ordinary conclusion—they were to be imposed on the belligerents by *force*. As usual, the British fleet was the chosen instrument, and the four Powers came to the following resolution:—'They have determined and engage that 'the naval forces of their respective Governments, at

'present stationed on the coast of Portugal, shall take 'part conjointly and instantly with the naval forces of 'Her Most Faithful Majesty, in any operation deemed 'necessary or opportune by the commanders of the com- 'bined forces to attain the object of this common act.'

In conformity with this resolution, the British squadron appeared before Oporto: but the Junta did not at once yield. Nevertheless one of the commanders, Das Antas, prepared to evacuate the city with his troops. Steamers in the service of the Junta were permitted to enter the harbour, the troops were embarked in them, and on sailing out, and being summoned by the British admiral to surrender, did so without resistance.

Their commander, Das Antas, on coming on board the British admiral's ship, presented him with a protest against 'this act of hostility, *perpetrated without declaration* and *without pretext.*'

Shortly after the other insurgent general gave in, and the Spanish forces, which had been cooperating by land with the British naval force, entered Oporto, whilst the Castle of Foz was handed over to the custody of the British.

The objects of the British Government were thus for a time attained. But so little permanence had the arrangement, that, within four years of its being made, the Queen of Portugal was compelled to dismiss her favourite minister at the dictation of one of her own generals, heading her own rebellious army. The abdication of the Queen in favour of her eldest son was at that period a scheme much favoured by the opposition party as the only effectual remedy for the grievances

of which they complained. 'The evils,' said the 'Times,' 'which might ensue from so revolutionary a proceeding 'are manifest. The abdication of the Queen would be 'termed her deposition by the party interested in another 'intervention in Portugal. The Spanish Government 'would be strongly prompted to act on such an emer-'gency,' &c.

It is true this contingency did not happen. But supposing it had occurred. What would have been the position of this country? Bound by treaty to save Portugal from foreign aggression (as had been done by Mr. Canning in 1826), but having no treaty conferring on England the *exclusive* right of forcibly intervening in the internal affairs of Portugal, with what consistency could the British Government have opposed the forcible interference of the Spanish Government for the supposed interests of Spain, after having set the example of forcibly interfering for the supposed interests of England? The position of the British Government would have been this. If the obligations of treaty were fulfilled, she set up a monstrous claim to the exclusive right of interference—if that claim were not set up, the obligations of treaty were left unfulfilled. The conduct of the British Government had been such that, whichever course it took, it would be inevitably in the wrong. It needs not, however, to be denied that the objects sought to be gained by interference were good. But the question is, are good objects to be sought for by unjustifiable means? Is there to be in the code of international law one rule for the weak and another for the strong? Portugal is not a powerful State—

and England has nothing to fear from her resentment, and on the whole the termination of the civil war conferred a decided benefit on her people. But if the rule of intervention be good for Portugal, why is it not good for the United States? At one time, all Europe thought that no greater act of kindness could have been conferred on them, than a forcible interference by a foreign Power to stop their desolating warfare. Why then did the British Government act on principles so different towards them, from those which guided it in the treatment of Portugal?

The civil war in Portugal inflicted little or no injury on this country—the civil war in the United States inflicted on us the most serious injury. It reduced, for a time, hundreds of thousands of prosperous artisans to pauperism. But the British Government collected no Conference on North American affairs, nor did it attempt to impose any authoritative awards on the contending parties, by the aid of hostile armaments. In what then does the difference consist? Simply that one of these nations is weak, and that the other is strong; that England dealt after her own fancy with the weak, but that she declined to meddle with the strong. What is this but establishing one law for a weak nation, and another for a strong one? It is to act, neither according to the 'rules of prudence,' nor of 'common sense.' For surely it may still be believed that consistency, impartiality, and justice are not yet at variance with 'prudence' and common sense,' and surely it is to be hoped that, in guiding the destinies of a nation, more 'true wisdom' is displayed in making 'its Government

'the one trusted Government amongst others which no 'one can trust,' than in making it a by-word for bad faith and inconsistency throughout the world, the terror instead of the protector of weak States, the object of dislike or contempt to the haughty and the powerful.

It is not, however, meant to be maintained that this country ought to have mingled in such a contest as desolated North America. God forbid. But if this country were justified in forcibly interfering with feeble Portugal, it is impossible not to believe but that our Government abstained from forcibly interfering with the United States solely because they are too formidable a Power to meddle with in safety.

It is true that it does not follow that because a State has a right of forcible interference, therefore it is necessary that it should exercise it; because, for either one or the other, two things are necessary—(1) that there is a right, (2) that it is expedient to use it. But the justification for abstinence from forcible interference with the United States has not been that, Great Britain having the right to interfere, her Government have deemed it impolitic to use it; but the reason put forth for the strict neutrality which has been observed has been, that we have not the *right* to assist either side. In short, the doctrine of non-intervention has been ostentatiously proclaimed to excuse our abstaining from meddling with a powerful State, whilst in our dealings with weak States it has been ostentatiously violated.

The Two Sicilies.—The year 1848 was a year when most of the Governments of Europe were rudely shaken

by the violence of popular outbreaks. Amongst others a rebellion burst forth in Sicily against the authority of the King. 'To His Sicilian Majesty,' Lord Palmerston on December 16, 1847, through Lord Minto, 'conveyed 'the strongest assurances of the earnest desire of Her 'Majesty's Government to maintain, and, if possible, 'draw still closer the bonds of friendship which have so 'long united the crowns of Great Britain and the Two 'Sicilies.' But no sooner had the rebellion broken out on the 10th of the following month (Jan. 1848) than the Foreign Secretary forgot his 'strongest assurances.' In order to help the insurgents, he consented to a transaction (for which he had to express his regret, as his colleagues would not sanction it) for enabling cannon to be furnished to the Provisional Government of Sicily —he gave to that Government every encouragement: and when there seemed to him a chance of the Sicilians dethroning their own King and choosing a Sardinian Prince (the Duke of Genoa), he directed the Sardinian Government to be informed, in order to induce it to accept the offer, that, if the Duke were chosen, at the proper time, and when H.R.H. was in possession of the Sicilian throne, 'he would be recognised by Her 'Majesty's Government.'* The defence afterwards made for this sudden and violent departure by the Foreign Secretary from the 'strong assurances' which he had *voluntarily* given to His Sicilian Majesty, mainly consisted in descriptions of the misrule and tyranny which, he asserted, prevailed in the Sicilian half of his dominions: but if the King were really such a tyrant and oppressor as he was described, it is much to be regretted

* May 8, 1849.

that the Foreign Secretary volunteered to give the 'strongest assurances of the earnest desire of his Govern-'ment,' not only 'to maintain, but, *if possible, to draw* '*closer*, the bonds of friendship' with so vile a ruler. Surely conduct such as this on the part of a Government is ill-calculated to elevate any nation in the eyes of the world, or to create confidence in its honour and good faith. Well might Lord Brougham exclaim—'Oh, how feeble the most ancient ties of the firmest 'political friendship! when the ink was hardly dry 'with which the profession was made of the earnest 'desire to draw more closely, if it were but possible, the 'bonds which united us to the King of the Two Sicilies, 'that Her Majesty's Government should, behind his 'back and without a word of notice, avow their in-'tention deliberately, but instantly, to acknowledge the 'usurper, upon whose head his insurgent subjects were 'about to place the crown which they had wrested from 'the brow of their lawful Sovereign.'

The Ministry, however, on this occasion did not ostensibly go the length of sending instructions to the fleet to interfere in the contest (July 20, 1849)—'the British Government not deeming the case to be 'one which justified a forcible interference on their 'part to prevent the King of Naples from employing 'the means at his command for the purpose of rees-'tablishing his authority in Sicily.' No opposition was therefore raised to the sailing of an expedition from Naples to put down the Sicilian insurgents. Accordingly the operations of the Neapolitan troops against Messina were begun and carried on without interruption,

and with such success that the authority of the King was on the eve of restoration. It was then, however, alleged that if hostilities had been conducted according to the usual practice of civilised nations, and had *solely* been directed against armed opponents, instead of being equally aimed at the extermination of the unresisting and helpless inhabitants, the naval commanders would have continued to preserve their neutral position. But the barbarities, said to have been committed at Messina, revolted the tender feelings of the French admiral, who persuaded the British admiral not to stand by and remain a passive spectator of such cruel scenes. Accordingly those officers took upon themselves the responsibility of forcibly interposing and calling on the contending parties to establish a suspension of hostilities, with a view to negotiation, under the 'auspices of their 'two Governments, such armistice to last until it was 'known that this their act would be sanctioned by their 'Governments.'*

The British and French Governments, on reference, confirmed the steps taken by their naval commanders. The two Governments then undertook to negotiate between the King's Government at Naples, and the Provisional Government at Palermo; and they obtained from the King such concessions as even in their opinion the Sicilians would have done wisely in accepting. Accordingly they exerted all their influence to induce them to do so. They therefore warned the Provisional Government that in case a favourable issue to the negotiation

* Mr. Temple's explanation to the Neapolitan Government of the cause and character of the interference.

did not take place, they were not prepared to insist on a suspension of hostilities beyond the day originally fixed.

The Provisional Government unwisely rejected the favourable terms which were thus proffered to them. Hostilities were renewed, and in a very short time the progress of the Royal arms was such as to compel the Sicilians to an unqualified submission to the King's authority.

On these transactions, so far as they bear upon the principle of non-intervention, little need be said. It would have been creditable to the humanity of the two admirals that their indignation at cruelty prevailed over the fear of any responsibility which might attach to them for a proceeding for which they had no authority, if the peculiar circumstances under which the interposition took place did not throw some suspicion on the alleged motives.

In the first place, it occurred at the identical moment when the complete and immediate triumph of the Royal cause was at hand, and the admirals and their Governments were undisguisedly favourers of the insurgents.

In the next place, 'a number of consuls sign a state-'ment that "all the inhabitants had left Messina when 'the bombardment was being carried on,"' * which statement militates strongly against the charge of revolting 'cruelty' which aimed at the extermination of the unresisting and helpless inhabitants; since it appears,

* Lord Brougham's speech, July 20, 1849.

according to the consuls, that the inhabitants had fled, and there were consequently none to exterminate.

But, after the forcible interference on the part of Great Britain under the direct sanction of her Government, on so many recent occasions, it was not to be expected that the ministers would do otherwise than confirm with their approbation the steps taken by the British admiral; but by so doing they accepted the responsibility.

The withdrawal of their forcible repression when the Provisional Government rejected the liberal and conciliatory offers of the King, was fair and right: so that if the real motives of the admirals were simply to stop atrocities, and not to assist the insurgent cause, there would be comparatively little censure due to this instance of forcible interference—save that every fresh instance serves as an additional example to establish as a practice the violation of that principle which ought to be held sacred and inviolable.

At the same time it must not be forgotten that the approbation given by the British Government to their admiral furnished a most dangerous precedent, of a different kind; viz. it sanctioned a British commander using the fleet under his command forcibly to act, on the spot, on the spur of the moment, on his own view, without the authority of his Government.

In the present instance it cannot be denied that the excuse tendered, *if a true one*, was in itself righteous and merciful. But the mischief arising from such a precedent will be shown in the second part of this work, when we consider how, in another quarter of the globe, it

was turned to account in doing deeds to which the epithets 'righteous' and 'merciful' are the very last which can with accuracy be applied.

Summary.—Thus, by one example after another, Lord Palmerston broke down and destroyed, as the rule of international law contended for by Great Britain, the great principle of abstinence from FORCIBLE interference in the internal affairs of independent States which injure not their neighbours—a principle to which the British Government had pledged itself for upwards of forty years; and to which, when he and his colleagues accepted office, they publicly pledged themselves, in the strongest language, most faithfully to adhere.

In the five examples, of which, in this and the preceding chapters, the history has been impartially sketched, are to be found specimens of almost every species of interference.

The first was a forcible interference to effect the separation of two kingdoms which had been united to each other. It was in support of rebellious subjects against their lawful Monarch.

The second was a *forcible* interference on behalf of two constitutional Monarchs to settle disputed successions, claimed by those who would have been absolute Kings.

The third was a forcible interference on behalf of an absolute Monarch against a rebellious vassal; and not free from coercion towards the Monarch himself.

The fourth was an award forcibly imposed upon insurgent subjects.

The fifth was a forcible interference in favour of rebels.

These several measures have therefore set the seal of England's present approbation on all those similar proceedings which she had previously condemned—on the conduct of the Allied Sovereigns towards France, in 1792 and '93—on the decree of the French Convention, November 19, 1792, offering assistance to the discontented of all nations against their rulers—on the proceedings of the Holy Alliance in Naples and Piedmont in 1821, against which the British Government and people had so vehemently protested—and on the French invasion of Spain in 1822-23, which at the time all parties, Whig, Radical and Tory, had united in strongly condemning.

Whether therefore it be for good or whether it be for evil, no fact is more certain than that Lord Palmerston's policy has effected an all-important change in the public law of Europe, as previously recognised and assented to by Great Britain. And although it is not in the nature of things that the unanimous assent of any number of States can really alter the law of nations—that law being founded, not on the decrees of man, but on the unalterable principles of truth and justice—yet nations may agree in disregarding those principles, just as a corrupt Government may enact a corrupt law: still it is not in the power of man to convert into right that which is intrinsically wrong.

Nevertheless it *is* in man's power to obscure what is right, and to give those around erroneous notions of the truth. So long, therefore, as England stood

alone testifying to that truth, so long she raised no inconsiderable impediment to the perpetration of evil—and so long there was a reasonable hope that truth might prevail and be recognised by the whole community of nations, of which she is so powerful a member.

But now that she has, after a long resistance, deliberately gone over to the side of error, assuredly any general recognition of the truth is delayed till a period too distant to foresee.

It matters not, in this view, that Lord Palmerston may be able to boast (May 20, 1864) that 'we interfered with great success in the affairs of other countries, and with great benefit to the countries concerned. We so interfered in the affairs of Belgium, and established Belgium as a separate State. We interfered in the affairs of Portugal, and enabled her to obtain a free and parliamentary constitution. We interfered in the affairs of Spain, with like success and with a similar result. We interfered in the affairs of Turkey and Egypt, and maintained the independence of the Ottoman empire.' Success, however, is but a poor substitute for honour and good faith, and cannot compensate for the abandonment of those sacred principles to which this country was pledged. The real questions are, not whether this country interfered successfully, but whether it was not wrong and unjustifiable forcibly to interfere at all—whether during forty years British statesmen were in error in maintaining that the principle of non-intervention was the only safe and just principle for regulating the intercourse of nations.

If they were right, then it is of no avail to point to any increase of power and influence gained, or supposed to be gained, at the expense of sound principle. Such advantages are surreptitiously acquired—and if we have gained something in one way, we have largely lost in another. The power and influence of England used not to be exclusively based on her physical strength and physical daring; it used to rest no less on the moral grandeur of her character, as the asserter of international law, the defender of the oppressed, and the scourge of the oppressor. The upholders of right have an immense influence, not only with the just, whom they inspire with confidence, but also with the unjust, for even the unjust cannot help being awed by the prestige of moral uprightness. Whilst Great Britain scrupulously maintained the non-intervention principle—whilst with uncompromising morality she rejected the varying and capricious estimates of right and wrong which supposed expediency is ever ready to suggest, the weaker nations of the world looked up to her with confidence for protection. They felt that at any rate one of the most powerful countries in existence preferred the maintenance of international law either to the promotion of its own selfish interests or to indulging in the luxury of supporting by force arrangements or institutions even in themselves beneficial. As it is, Great Britain has abandoned her high position, and has joined all the powerful States in setting at nought that one principle, the abolition of which places all weaker States at their mercy.

Disguise it as we may, this is a true description of

the real state of the law, if law it can be called, which prevails throughout Europe; and this deplorable state of lawlessness is really the work of England—the work of that popular statesman who, for so long a period of years, controlled her destinies, either as Secretary of State for Foreign Affairs, or as the First Minister of the British Crown.

These are assuredly the positive results of what Lord Palmerston called his 'successful forcible interferences' in the internal concerns of weak and unoffending States. They are most disastrous, for sure it is when great principles are set at nought, sooner or later, if not in their direct and immediate, at all events in their wider and more lasting effects, they will avenge themselves on those who venture to defy them.

And this mighty change has been brought about, strange to say, without the British public having any distinct notion that a revolution so complete has been actually accomplished! Perhaps some day or other the light may break in upon them, and they may awake to what is the real position of their country. For, as the 'Times' newspaper too truly observes (September 16, 1865), 'We are perpetually making the discovery that we have 'been pursuing a course of policy of which we have 'never heard, and that we have changed in the most 'unaccountable manner, without being in the least 'aware that we have changed at all.'

CHAPTER VIII.

GREECE—THE AFFAIR OF DON PACIFICO AND OTHERS—DEBATES THEREON.

THE practical abandonment by the British Government of the non-intervention principle was not compensated for by the respect which was paid to other rules of international law of somewhat less extensive application.

The truth of this remark is exemplified by the treatment of the newly established kingdom of Greece, respecting some claims for indemnity to British subjects which were made by the British Government on the Greek Government in the year 1850.

They were briefly as follows:—(1). A certain man, known by the name of Don Pacifico, who was an Ionian by birth and was consequently a subject of the Crown of England, sustained some injuries to his property during a riotous disturbance at Athens occasioned by the mob being prevented from burning a representation of Judas Iscariot on Easter Sunday. The hindrance really arose out of the desire of the Greek Government to pay a compliment to Baron C. M. de Rothschild; but it was supposed to have been instigated by Don Pacifico. What was the real value of his losses is very doubtful; but he certainly was entitled to the

honest aid of the Greek Government to recover his property and to punish the offenders.

(2). An Englishman, of the name of Finlay, claimed compensation for land taken from him for the Royal Palace, when the new State received a King in 1836.

(3). Six Ionian boats were plundered in 1846 by robbers on the coast of Greece.

(4). In 1847 some Ionians were arrested, and were said to have been maltreated by the Greek police.

(5). A similar case.

(6). A boat's crew from a Queen's ship were arrested by mistake by the Greek police, but released on identification.

Such was the list of grievances which the British Government had against the Greek Government, and for which they sought redress by diplomatic representations. It must be admitted, in five out of the six cases it was not obtained.

Now, every Government not only has the right, but it is its bounden duty, to afford protection from oppression to its subjects in foreign countries. In certain cases it may be justifiable to resort to force in order to effect this object. For instance, if a foreign Government clearly suspends or violates the laws of its own land to the exclusive injury of the stranger, then the country to which that stranger belongs may *forcibly* insist on redress, because when a stranger voluntarily enters a foreign land, he does so under the implied understanding that while he is subject to its laws he is also entitled to the protection which those laws afford.

Trying the six cases above enumerated by this rule,

it appears that in the first and most important case, that of Don Pacifico, the question is, had he received the protection from the laws of Greece to which he was entitled, or had they been suspended or violated to his exclusive injury?

His statement was, that he had been personally ill-treated by a Greek mob, and that his house had been pillaged. The Greek police claimed to have used every effort to save the house from being plundered and to bring the offenders to justice; they admitted that they had been unsuccessful. But the Greek Government held that Don Pacifico's remedy lay in a civil suit.

The answer to this was, that, according to Don Pacifico, the police had not made every effort to bring the offenders to justice; and that, though he pointed them out, the police continued to evade arresting them, because they were young Greek noblemen, connected with the Greek Ministry, who headed the riot.

These then were questions of fact. The Greek police asserted that which Don Pacifico denied. That the assertions of the police were to be taken for granted, probably no one, who knows anything of an Eastern police, would venture to affirm. But, on the other hand, neither the character of Don Pacifico nor his conduct in these transactions were such as to justify giving implicit credence to his statements. Don Pacifico was a Jew, and there were some reports abroad injurious to his character; and as to the honesty of his conduct in making his claims, it may be judged of by the facts that when the French Minister, Baron Gros, set on foot an

inquiry, he reported, on careful consideration, that the Don's claim for 4,900*l.* was extravagant, and that 1,000*l.* ought to satisfy everything; and as to his further claim for a much larger sum on account of the destruction, in the riot, of papers concerning transactions with the Portuguese Government, it subsequently appeared that though he claimed, on account of these papers, upwards of 21,000*l.*, yet a mixed commission of three commissioners, English, Portuguese and Greek, after a long examination, reduced the claim to 150*l.* as full and ample compensation.

Such being, as ultimately shown, the real character of the claims, it is evident that any absolute decision in their favour, even on principle, on the part of a foreign Government must have been hasty and premature; nor had that foreign Government a right to decide without the clearest proof that Don Pacifico ought to be believed, and that the Greek police ought not.

Further, the Greek Government said, Don Pacifico has not had recourse to all the remedies which the law allows him. He ought to institute a civil suit, in which they said he would probably be successful, as he affirmed that he knew the guilty parties.

Don Pacifico thought otherwise, and declined to appeal to the Greek courts, on the grounds that the conduct of the police had, in all probability, spoilt the case for the prosecution.

Now before the English Government took the *quasi* judicial step of enforcing redress, they were bound by the ordinary rules of justice, as in an English court of law, to leave the *minimum* of the foundation of its

decision to probabilities, and to acquire the *maximum* of certainty attainable. If the English Government thought that Don Pacifico's case presented a *primâ facie* case sufficient to warrant such aid, they might have supplied the funds necessary to try the course pointed out by the Greek Government. For, as there were two processes open, until both had failed, and the failure of both had been brought home to the conduct of the Greek officials, the right of exacting redress by force would not accrue to the English Government.

(2). The case of Mr. Finlay was brought into discussion at the time, and served to swell the list of those who were refused compensation by the Greek Government; but it ought not to have been inserted, for it was conclusively arranged with the joint consent of the Greek Government and Mr. Finlay at the express desire of the latter, by a reference to two persons, with power in case of difference to choose an umpire.

(3). The six Ionian boats plundered by robbers at Salcina in 1846 were plundered by a band of brigands, who overpowered the Greek authorities themselves. It appears that the boats' crews were decoyed on shore by the brigands—so that going on shore was a *voluntary*, although, as it turned out, an incautious act on their part. In this case assuredly the Greek Government did not suspend the laws to the exclusive injury of the stranger.

(4). The Ionians said to be maltreated by the Greek police were keepers of a coffee house, who on a festival stuck up the flags of different nations as ornaments over their shop. The police having received orders to

prevent a crowd assembling, proceeded to take the flags down. The Ionians resisted, and were in consequence marched off to the police-office, where it being found that they had only been guilty of a trifling violation of police regulations, they were at once dismissed.

(5). Some Ionians were taken up for sleeping in the streets, and were marched off to the authorities, who, according to their own account, flogged and turned them out. When, however, they were required to allow their statement to be verified by an examination of their persons for marks of the alleged ill-treatment, they were unwilling to stand the test and were not forthcoming.

(6). The boat's crew of one of Her Majesty's ships landed in the dark in a prohibited place; the officer in command not being in uniform, was arrested with the crew; but the moment that it was discovered he was a British officer, he with his crew were released with excuses. The affair took place in 1848.

Such is the list of grievances which, in the beginning of the year 1850, Great Britain had against the feeble and newly established kingdom of Greece.

The course pursued respecting them was this. The Foreign Secretary arbitrarily decided that all these claims were, in principle, founded in justice. He therefore sent an imposing force of fifteen sail of the line to Athens, requiring of the Greek Government immediate payment of the compensation which he demanded.

This powerful squadron accordingly appeared before the Piræus, seized forty-seven ships—two belonging to

the Government, which with five others were secured at Corfu; these seven alone were valued at 7,000*l.*

The Greek Government being quite unable to resist, paid the required sum, about 8,000*l.*, protesting, however, against the discourtesy and injustice with which it considered that it was treated.

Now, whether these violent proceedings were or were not consistent with that dignified forbearance which a strong State owes to a weak one—whether the trumpery character of the cases in dispute was such as to lower the prestige of a State adopting such imposing measures to deal with them—whether the demonstration gave the impression to Europe that the spectacle afforded to the world was that of a mighty and powerful State bullying a weak one—are questions which may be put aside; the real question here being, whether the employment of force was in conformity with, or opposed to, the rules of international law.

When first Lord Palmerston was questioned in the House of Commons on this matter, he rather put aside the law of nations, and sought by his argument to withdraw these dealings with Greece from the category of any *general* law.

'It is impossible to maintain,' he said,* 'that *in all* 'cases foreigners are entitled to compensation from 'the Government of the country in which the injuries 'and losses are sustained. On the other hand, it is 'impossible to maintain that there may not be cases 'in which such compensation will be justly due. 'Our demand,' he observed, 'was specifically founded

* June 4, 1850.

'on the circumstances of the particular case, and did 'not involve any general proposition.'

Now it is quite true that there may be cases in which abstractedly compensation may be justly due, although it may not be due from the Government of the country in which the injury to the stranger has been inflicted. For, a State is not bound to afford redress to a voluntary alien sojourner, when neither the injury nor the failure of redress for it arise from the conduct of its Government or from that of their servants.

For forcible interference in Don Pacifico's case it was therefore necessary that his charge against the police should have been verified—a verification which Lord Palmerston did not or could not obtain. The difficulties of redress arising from the violence having been the work of a mob, or from his poverty, are difficulties for which the Greek Government was not responsible. And as to the difficulty arising out of the probability of the judges showing partiality to young noblemen connected with the Government, before pleading it as a justification for force it ought to have been established as a certainty.

Debates took place in both Houses of Parliament on the subject of these proceedings at Athens.

Lord Stanley* introduced the subject in the House of Lords, and moved the following resolution :—

'That while the House fully recognised the right of the 'Government to secure to Her Majesty's subjects residing 'in foreign States the full protection of the laws of those 'States, it regrets to find, by the correspondence recently laid

* Present Lord Derby.

'upon the table by Her Majesty's command, that various 'claims against the Greek Government, doubtful in point 'of justice and exaggerated in amount, have been enforced 'by coercive measures directed against the commerce and 'people of Greece, and calculated to endanger our friendly 'relations with other Powers.'

This motion was carried by a majority of forty-seven.

In order to counteract the effects of this censure, Mr. Roebuck moved in the House of Commons the following counter-resolution :—

'That the principles on which the foreign policy of Her 'Majesty's Government has been regulated, have been such 'as were calculated to maintain the honour and dignity of 'this country, and, in times of unexampled difficulty, to 'preserve peace between England and the various nations of 'the world.'

This comprehensive resolution covered all the past foreign policy of the Government. It gave approval, not only to the particular case of the proceedings on behalf of Don Pacifico and others in Greece, but to all the forcible interferences in the internal concerns of unoffending independent States, which had taken place under the directions of the different Liberal administrations during the preceding twenty years.

The motion was carried by a majority of forty-six.*

In this debate Lord Palmerston distinctly laid down the principle on which he had acted in the Greek affair. 'In the first instance,' he said, 'redress should be 'sought for from the law courts of the country; but in 'cases where redress cannot be so had, to confine a 'British subject to that remedy only would be to 'deprive him of the protection which he is entitled to

* June 26, 1850.

'receive. In cases where no confidence can be placed 'in the tribunals, who is to be the judge whether the 'tribunals are corrupt or not—the British Government 'or the Government of the State from which you 'demand justice?' And then he 'denies the proposi-'tion' that 'British subjects are to have that protection 'only which the law and the tribunal of the land in 'which they happen to be may give them.'

The corollaries from these propositions are two:—

(1). That the Government of a foreign State has not only a right to sit in judgment on the laws of another State, and on the mode in which those laws are carried out by its constituted tribunals, but also to give effect to that judgment, if unfavourable, by coercive measures.

(2). That the Government of a foreign State has a right to give a protection to its own subject beyond what may be given by the laws of that other State in which its subject sojourns.

Now the law on this point, as laid down by Vattel, is clear and unmistakeable. It is as follows:—

'Every foreigner, in those countries where he may 'freely enter, is supposed to be allowed access by 'the Sovereign only on the tacit condition that he is '*subject* to the laws. The public safety, the rights 'of the Nation and of the Prince, necessarily require 'this condition; and the foreigner tacitly submits to it 'as soon as he has entered the country, as he cannot 'presume that he has access upon any other footing.'*

Lord Clarendon, when Foreign Secretary, in 1853, confirmed this doctrine, when (in the case of Miss

* B. II. ch. 8, s. 101.

26956

Cunningham—a zealous young lady, who by distributing Protestant tracts in Tuscany had acted contrary to the law of the land) he said, 'No British subject 'has a right to go into another country and not 'observe the laws in force in that country. Those laws 'might be as cruel and barbarous as possible, but if 'British subjects went of their own accord and lived 'under them, they must not disobey those laws.'

These were the very grounds on which the Greek Government rested their defence. They said, 'The 'Ministry of Justice, having been consulted on this 'business, gave it as their opinion that, according to 'principles admitted everywhere and at all times, 'subjects of a foreign country have not the right to 'claim, either in Greece or elsewhere, any rights 'superior to the natives themselves.'

Now, although these quotations refer, in the first instance, to the duty of the foreigner to the State within whose territories he dwells, yet they necessarily imply what is the correlative duty of the State to the foreigner; viz. to secure for the foreigner rights equal to those given by the law to the natives.

A British subject therefore, on the one hand, entering *voluntarily* into a foreign land, is bound to submit himself to its laws, whether they are or are not what he or his Government may consider consonant with justice, and whether the mode of administering those laws may or may not be fair and just. And, on the other, the Government of that foreign land is bound to secure for that British subject the full protection which its laws and tribunals afford to its own subjects: but no more.

Take for instance the treatment of an accused person in France,—that treatment is founded on principles diametrically opposed to those which obtain in England. In England, judges, magistrates, counsel, policemen, cautiously guard the prisoner against criminating himself. In France the main object of the ministers of the law is to extract from the lips of the accused some words which will establish his guilt. This mode of conducting criminal jurisprudence is in English eyes full of palpable injustice, but England would not therefore have a right to have recourse to force to prevent an Englishman, accused of crime in France, and having voluntarily gone there, from being dealt with according to those principles of French law which are applied to all the natives of France.

Take the reverse case of a Frenchman, engaged in trade in England, suffering some wrong, for which he sought to obtain redress from the English Court of Chancery. Supposing (and it was in old times no improbable supposition) that year after year rolled on without his being able to obtain any decision in his cause—that he beheld his property gradually dwindling away, and that at the end of some ten or twelve years the prospect of redress seemed as hopeless as ever, —would this nation tolerate France charging us with 'shuffling and evasion,' and insisting on the English Government withdrawing the case from the Court of Chancery and giving such pecuniary compensation as to the French Government seemed fit? Would not the British Government reply to France as the Greek Government replied to us? 'Subjects of a foreign country

'have not the right to claim, either in England or else-
'where, rights superior to the natives themselves.' And if France sent an armament to enforce her demands, would not England to a man resist force by force?

The case quoted by Lord Palmerston as an example of England's readiness to give compensation is not to the point. It was given to the owners of an Austrian vessel 'shipwrecked on the coast of Ireland and plundered by the people of the district.' For the crew of the Austrian vessel did not *voluntarily* place themselves for their own purposes within British territory. They were driven there by an Almighty agency which they could neither resist nor control, and they were entitled by the law of nations to succour and protection. If then, instead of protection and succour, they met with outrage and plunder at the hands of British subjects, for whose conduct the British Government was responsible, on that Government the sufferers had a just and indisputable claim for special and direct compensation. But if, on the other hand, that vessel had been, for purposes of trade, placed *voluntarily* by its crew within a British port, and had there been plundered, either furtively, through a want of police, or openly, owing to popular riots, the only claim to compensation on which Austria would have a right *forcibly* to insist would have been such compensation as the laws of this country would afford to its own subjects under similar circumstances.

'He (Lord Brougham) denied that mere injury to the
'property or even to the person of an individual re-
'siding *voluntarily* in a foreign country gave any right

'to the Government of which the injured individual 'was a subject to demand redress.'

But the law or general proposition on which Great Britain acted towards Greece was a law which, however convenient to the great Powers of the world, was one which must be fatal to all the weaker Powers—for the weak can neither act upon it themselves, nor successfully resist it when acted upon by their stronger neighbours. A strong State will never allow a weak State to sit in judgment either on its laws or on its mode of administering those laws, and will never give redress to the subject of that weak State according to the notions of justice such a weak State may entertain, more especially if they happen to be at variance with its own.

The law, therefore, which these proceedings at Athens would set up, is one opposed to all the sound principles on which international law is founded; it will not stand the test which would prove its justice, viz. that it is a law which, if the strong enforce it upon the weak, the strong will obey when it becomes applicable to themselves—therefore it is deficient in one thing essential to a just law.

The Russian Government saw this blot in the argument, and took advantage of it severely to rebuke the British Ministry.

After remonstrating against all these proceedings in Greece, Count Nesselrode thus concluded:—

'The reception which may be given to our represen-'tations may have considerable influence on the nature 'of the relations we are henceforth to expect from

'England—let me add, on the position to all the Powers 'of Europe, great or small, whose coast exposes them to 'a sudden attack. It remains, indeed, to be seen 'whether Great Britain, abusing the advantages which 'are afforded her by her immense maritime superiority, 'intends henceforwards to pursue an isolated policy, 'without caring for those engagements which bind her 'to the other Cabinets,—whether she intends to dis-'engage herself from every obligation as well as from 'all community of action, and to authorise all great 'Powers, on every fitting opportunity, to recognise 'towards the weak no other rule but their own will, 'no other right but their own physical strength.'*

In adhering to the true principle of international law there need be no abandonment by Governments of the duty which requires them to throw their protection over those of their subjects who sojourn in foreign lands. For if the laws and practices of a nation are intrinsically oppressive and unjust, against such oppression and injustice a Government has a right to remonstrate on behalf of its subjects, to refuse to maintain with it any friendly relations, to suspend all commercial intercourse, and to withhold all privileges which are matters of grace and favour; in short, until it amends its evil ways, to adopt all means of obtaining redress short of the employment of actual force. Something of this kind was done towards the Bourbon King of Naples.

But the most effectual protection which a Government can afford to its subjects in foreign lands, is to be

* Count Nesselrode to Baron Brunow, Feb. 19, 1850.

found in the influence and the power to be derived from an inflexible adherence to those principles of international law which, in the face of the world, it has proclaimed to be the true ones. Before known disinterestedness and acknowledged justice selfishness and injustice will be sure to quail.

At the conclusion of Lord Palmerston's speech, which was the most telling one that he ever made in the House of Commons, he contrived to divert the minds of his auditors from the real issue on which, with regard to the proceedings in Greece, they had to decide.

'I fearlessly challenge,' said the noble Viscount in conclusion, 'the verdict which the House may give on 'the question which is now brought before it, as a 'political, as a commercial, as a constitutional country, 'whether the principles which have governed the 'foreign policy of Her Majesty's Government—whether '*the duty of affording protection to our subjects abroad* '—which we have considered the guide of our conduct, 'are proper and fitting in those who are charged with 'the government of England, and whether, as in days 'of old a Roman held himself to be free from indignity 'when he could say *Civis Romanus sum*, a British 'subject shall consider himself in foreign countries as 'protected by the vigilant eye and strong arm of his 'Government against injustice and wrong.'

Now these words imply that the proceedings in Greece were condemned, *because* protection had been afforded to British subjects residing there; they imply that the question in dispute was one of protection or no protection, and that the result of his conduct being censured

would be, that, for the future, British subjects abroad must not look to their own Government to guard them against insult or injury, but that they must tamely submit to all sorts of petty tyranny and injustice. The appeal which these words contained had the effect of working on national pride on the one hand, and national fear on the other. It was, in fact, calling for a decision on a false issue. The resolution of the House of Lords had distinctly affirmed 'the right and duty 'of Her Majesty's Government to secure the full pro-'tection of the laws to British subjects in foreign coun-'tries,' and no speaker had disputed this right. The real questions were,—When is *forcible* interference allowable in order to protect? and what rules should regulate that interference? But it was the celebrated phrase, *Civis Romanus sum*, which took captive the hearts of a Liberal majority of the House of Commons. It seemed a grand idea, to bid British subjects invoke 'the vigilant eye and the strong arm of their Govern-'ment,' as the Romans of old invoked the terror of the Roman name: and most accurately did these words describe the policy of England's Foreign Secretary. British subjects were to do as was done by the Romans of old—they were to appeal to the terror of overwhelming might. They were not to do as Britons in better days were wont to do. Time was when their protection in all quarters of the globe was their belonging to a people who it was known would assert the majesty of international law, even to its own detriment—time was when a willing deference was paid to British subjects, because they belonged to a

nation which was felt and acknowledged to be the most impartial and the most just. Those times, alas! are past—and *Civis Romanus sum*, and the 'vigilant 'eye and the strong arm' too truly describe the sort of protection which Britons must now invoke.

Mr. Roebuck's resolution, as has been already pointed out, covered not only the proceedings in Greece, but the general system of foreign policy which the Foreign Secretary had inaugurated. It was so accepted by the House. Accordingly Lord Palmerston went through all the different examples of forcible interferences by Great Britain, which have been detailed in these pages, in order to their justification. In so doing he did not attempt to dispute the fact that he had deliberately set at nought the non-intervention principle. He justified his proceedings undisguisedly on the ground that their results had been for the interest of England, and for the advantage of the States in whose internal affairs England had forcibly interfered. He gloried in what he had done, and seemed to have no misgivings that there might be another side to the picture.

In speaking of our forcible interference in the affairs of Spain and Portugal in 1834, he observed, 'We 'looked upon the question, not as a simple choice be- 'tween one Sovereign and another, but (as it was in 'reality) absolute government on the one hand and 'constitutional government on the other;' and then having argued to prove that constitutional government in the Peninsula was advantageous to British interests, he claimed great 'merit for having been *above all* '*narrow-minded prejudices*' in determining 'on an act

'of forcible interference for the purpose of giving those 'countries the blessing of constitutional government.'

Now this, I believe, was the first formal and public avowal of the abandonment by the British Government of the non-intervention principle. It is true, as has been shown at length, that in practice it had been long abandoned; but then, it was pleaded that those occasions were only exceptions to the rule, arising out of 'the circumstances of each particular case, and that 'they did not involve any general proposition.' For, when occasions suited, the Foreign Secretary had actually enunciated with clearness the non-intervention principle, as one by which Great Britain would be guided.

It was a novelty, therefore, for a member of the Cabinet to denounce this principle as 'a narrow-minded 'prejudice,' and to avow having set it at nought because conformity to it would have been, in his view, disadvantageous to British interests.

Sir Robert Peel and Mr. Cobden at once perceived the mischiefs likely to arise from this formal repudiation by the Government of such a principle. The latter clearly saw that if a constitutional Government may interfere in a foreign country on behalf of a constitution, an absolute Government may by this same rule interfere on behalf of a despotism. 'We do not ask you,' wisely exclaimed Mr. Cobden, 'to help us and to come 'to our assistance: all we ask is, that you will establish 'the principle that we are not interfered with by others. 'If,' he continued, 'the British Government were always 'to act upon the principle of non-intervention, we should

'see the law of nations declaring itself as clearly against 'the invasion of foreign countries as it has spoken out 'against the extradition of political refugees. Let us 'only begin and set the example to foreign nations of 'this non-intervention, and our example and protest 'would exercise some influence over the Governments 'of Russia and Austria: but what possible moral influ-'ence can this country have with these States when 'the Government goes abroad to interfere with the 'domestic affairs of other countries?'

Sir Robert Peel was more decided still in condemning the new system which the Government had adopted. Sir Robert contended for that non-intervention principle for which, he affirmed, 'every statesman of eminence 'for the preceding fifty years had contended.' 'I 'remonstrate,' he emphatically observed, 'against the 'principle of forcible interference approved by Mr. 'Roebuck's resolution. You are departing,' he said, addressing the Ministerial bench, 'from the established 'policy of England—you are involving yourselves in 'difficulties, the extent of which you can hardly 'conceive.'

The following were the last words which fell from his lips in the House of Commons:—

'I protest against the resolution, the carrying of 'which will give a false impression with respect to the 'dignity and the honour of this country, and will 'establish a principle which you cannot carry into 'execution without imminent danger to the best 'interests of your country.'

These strong words of warning gave a turn to the

debate, which rendered it no longer safe for the Government to pursue the same line with which they had set out.

Then occurred one of those curious episodes in Parliamentary strife, for enacting which the then Premier is famed.

With that coolness which rarely deserts him, Lord John Russell calmly told the House that 'the latter part 'of Sir Robert's speech was entirely unsuited to the 'question before it. There is a despatch,' he continued, 'in which the principles which have regulated the 'foreign policy of the Government are laid down, and 'it will be seen that they are very different from those 'to which the right honourable gentleman referred as 'being opposed to those "enunciated by every states-'man of eminence for the last fifty years."'

'In that despatch my noble friend Lord Palmerston 'says:—

'"The Austrian Government has recently asked and 'has received the assent of the British Government to 'the principle that the several States into which Italy 'is divided are entitled to maintain and defend their 'independence; and that this independence ought to 'be respected and to be held inviolate by the other 'Powers of Europe: and Her Majesty's Government, 'in expressing their assent to this indisputable proposi-'tion, couple with it another, which they conceive to be 'equally undeniable—that every independent Sovereign 'has a right to make within his own dominions such 'reform and improvements as he may judge conducive 'to the welfare of the people whom he governs, and that

'no other Government can be entitled to forbid or to 'restrain such an exercise of one of the proper attributes 'of independent sovereignty: and Her Majesty's Govern-'ment are convinced that the Cabinet of Vienna must 'be ready to acknowledge so plain a political truth."

'These are the principles,' said Lord John, deliberately, 'on which the policy of the Government is 'founded.'

In this extract two general principles are set forth—(1) 'that the several States into which' the world 'is 'divided are entitled to maintain and to defend their 'independence; and that this independence ought to 'be respected and held inviolable by all other Powers;' (2) that 'every independent Sovereign has a right to 'make within his own dominions such reforms and 'improvements as he may judge conducive to the 'welfare of his people—and that no other Government 'can be entitled to forbid or to restrain such an exercise 'of the proper attributes of independent sovereignty.'

The second principle thus laid down, if taken by itself, would be a somewhat curious one to be put forth by Liberal statesmen; for, standing alone, it indicates that 'reforms and improvements' in a State must originate with the Sovereign to entitle them not to be 'forbidden or restrained by other Governments.' But the first principle extends this privilege to the State as a whole; so that from whatever quarter the 'reforms 'and improvements,' *or* the *changes* (for who are to be the judges, save the country itself, whether the change be or be not improvement?) may proceed, the State itself is entitled to 'defend its independence,' which ought

to be 'held inviolable by all other Powers.' And these, according to Lord John, were really 'the principles 'on which the policy of the British Government had 'been founded;' although, instead of 'respecting' and 'holding inviolate' the independence of the Netherlands, of Turkey, of Spain and Portugal, and of the Two Sicilies, Lord Palmerston had been boasting that the British Government had employed the national armaments in *forcibly* interfering in their internal concerns, and in taking part in their intestine strifes. Even in this very same debate, in which Lord John Russell ventured on this bold assertion, his noble colleague had taken credit to himself for having 'been above all 'narrow-minded prejudices, in having *forcibly* inter-'fered to establish a constitutional Government in 'Portugal'—a State which had given no offence whatever to this country.

But what did the inconsistency signify? The vote was to be gained at all hazards. Still, a more curious specimen of dashing Parliamentary tactics (especially on the part of a First Minister) is not to be found in the annals of the House of Commons. Nevertheless these tactics answered to their end. They puzzled the majority of the Liberal party, which at that period of the debate had lost all clear ideas as to what they ought to believe, and what they ought not. The discussion had lasted four nights, during which they had heard so much that was contradictory from the Ministerial bench, that they had no definite notions as to what were really the principles 'on which the 'policy of the Government was founded.'

So, knowing that Mr. Roebuck's resolution was intended to be favourable to the Government, they thought the safest course for them to pursue would be to vote for it, whatever principles it might happen to affirm or to repudiate. The resolution was accordingly carried by a majority of forty-six, and thus, probably unwittingly, but not the less disastrously, the great principle of abstinence from forcible interference in the internal concerns of independent States which injure not their neighbours was rejected by the representatives of the British people!

This vote afforded but a poor prospect for the weaker States of Europe. By it, so far as the House of Commons could, they were made liable to a forcible interference in their internal concerns, however careful they might be to avoid giving offence, should their stronger neighbours deem it for their own interests to interfere. At the same time pretexts for interference were thus indefinitely multiplied by claiming for the subjects of strong States rights and privileges superior to the natives of weak States within whose territory they might think proper to enter.

CHAPTER IX.

RUSSIAN INTERFERENCE IN HUNGARY—FRENCH OCCUPATION OF ROME—RUSSIAN INTERFERENCE IN TURKEY.

THE climax had now been reached. Lord Palmerston had established as a rule the right of forcible interference in the internal concerns of independent States, not only when it seemed advantageous to the interests of powerful States to interfere in the political dissensions of weaker neighbours, but likewise when the administration of their laws by regularly constituted authorities happened not to agree with the notions of justice entertained by the stronger State. Moreover, he had persuaded the representatives of the British people to approve and ratify these doctrines.

Now, whether by example or by precept, or both combined, the 'assertion of principle by a British 'Minister on the part of his Government, and its asser-'tion also in Parliament, can rarely be without their 'effect;' and what Lord Russell thus predicated of 'sound 'and just principles,' unfortunately may be predicated of 'unsound and unjust' ones, which, when so asserted, 'are sure to have their effect, and more or less per-'vade the general policy of Europe.'*

And so it was in the present instance. Encouraged

* July 24, 1864.

by the precepts and the example of England, a Russian army had entered Hungary! and a French army had occupied Rome!

The events of 1848 shook the Austrian Monarchy to its foundations. From the period of the treaties of Vienna to that year, Prince Metternich, a statesman of consummate ability, had contrived to keep together in tolerable tranquillity the discordant nations and races which constitute the Austrian empire. In dealing with these different nations, the Prince held that the interests, and feelings, and habits of the peoples to be governed were so various, and in many respects were so opposed to each other, that violently to attempt to bring them under the control of one great central authority at Vienna would only serve to create discord and confusion throughout the whole Empire. He held therefore—and under the then existing circumstances it was probably the wisest policy—that the only safe way to govern them was to treat them as separate nations, having, as a bond of union, one common head.

Nevertheless, when the turbulent spirits throughout Europe boiled up in 1848, the fabric which the Prince had raised fell before the first blast of the tempest; and, as an exile, he had to seek an asylum in a foreign land.

This collapse, however, seems to have arisen not from any inherent defects in the plan of dealing with each State separately, but rather from the way in which that separate dealing had been carried out. It was one thing to decide whether each country should be governed separately without reference to its neighbours, and another to decide the mode of government which

should be established in each. The first decision might have been a very wise one, and the second decision a very unwise one. It was the defect in this last which accounts for the Prince's system falling to pieces, the first moment it was openly assailed. He had done nothing during his long rule to conciliate the inhabitants of the different provinces, nor to attach them to their Sovereign's sway. Arbitrary rule, spies, and a military force were the instruments which he employed for maintaining that sway. The Milanese gentry were taken away from their native land to form an army in Hungary to keep down the Hungarians; and the Hungarian gentry in their turn were brought to Italy to keep down the Milanese; and so on throughout the empire. There was no endeavour tenderly and judiciously to soften asperities, and to remove differences, so as gradually to prepare the way for amalgamation; but each nation was made the engine for oppressing the others.

When, therefore, those who came into power, on the fall of Metternich, beheld how weak were the foundations of the fabric which he had raised, they (perhaps not unnaturally) thought it would be wise to adopt a directly opposite course to one which had so signally failed. Without reflecting that the exact converse of wrong is very rarely right, they forthwith sought arbitrarily to centralise at Vienna the administration of all the dominions of the Austrian Emperor, and they advised His Imperial Majesty to promulgate a new common constitution. But in so doing they more or less trampled on the rights, the privileges, and, though last not least,

the prejudices of all the Austrian provinces, and amongst others, of the ancient kingdom of Hungary—the most important and powerful possession of the Imperial crown. The Hungarian constitution had existed for ages. Several of the Sovereigns who had held the Austrian sceptre at various periods had vowed to preserve it inviolate. The Empress Maria Theresa had sworn that, 'should she or any of her successors at any 'time infringe the privileges of the Hungarian people, 'they and their descendants should be permitted, by 'virtue of her promise, to defend themselves, without 'being treated as rebels.' In 1790 the Emperor Leopold took even a more stringent oath, to the same effect; and in 1848 the Emperor Ferdinand I. confirmed by oath what his predecessors had bound themselves to fulfil.

When, therefore, the Hungarians found that their constitution, which successive Emperors had taken their oaths to maintain, was abolished, to be replaced by a new constitution *octroyée* by the Emperor—a constitution which, made by a breath, a breath might blow away,* they naturally clung to their old-established constitution. Accordingly they erected a provisional Regency, proclaimed and acknowledged by the Hungarian Diet, and demanded the maintenance of their ancient privileges. They did not seek to dethrone the Emperor; they only sought to preserve what of right belonged to them; they would have acknowledged His Imperial Majesty as their King, had he been willing to recognise their rights, but they would not exchange their own ancient constitution for a new one.

* This sentence was written before the late suspension of the constitution, 1865.

They therefore took up arms, and never did a whole people rise in defence of a more righteous cause; they waged a doubtful conflict, in which, however, it seemed most probable that they would obtain the mastery.

Then it was that in an evil hour the young Emperor of Austria called the Russians to his aid—then it was that the Czar, looking upon the question as a 'choice 'between absolute' will 'on the one hand, and constitu-'tional government on the other, rose above all narrow-'minded prejudices,' and determined 'on an act of 'forcible interference for the purpose' of compelling the Hungarians to submit to the absolute will of their Monarch.

The Autocrat, it must be confessed, did the work manfully and effectually; he had recourse to no half-and-half measures, such as had done no honour to this country in the civil contest in the Spanish peninsula. For he fearlessly poured his legions into the rebellious province, with an audacity worthy of a better cause. He crushed the resistance of the Hungarians, and, having done so, left them to the mercy of their Emperor.

But who will say that these deeds of darkness would have been perpetrated, had not the two Emperors well known that the British Government was no longer in a position to remonstrate against them? Read the indignant language of the British Ministers, in 1822, on the occasion of the invasion of Spain by France under the Duc d'Angoulême, and then mark the subdued tone of the Foreign Secretary (July 21, 1849) on Mr. Bernal Osborn's motion on this subject. 'He 'would not,' he said, 'endeavour to pass judgment

'either way between the Austrian Government and the 'Hungarian Nation.' 'Her Majesty's Government have 'not in the present state of the matter thought that any 'opportunity has as yet presented itself which would 'enable them with any prospect of advantage to make 'any official communication of their opinions.' Not even in Parliament did he employ words condemnatory of the conduct of Russia. He knew too well he could use no words in which he could protest against that conduct, without there being a protest against his own.

This forcible interference in Hungary by Russia preceded the Don Pacifico affair.

Another forcible interference, of no less significance and more prolonged in its duration, succeeded the Don Pacifico debate.

Italy had shared the fate of other States, but more especially the States of the Church were remarkable for their revolutionary proceedings. Rome had long been governed by an army of priests, under the directions of the Pope, in the lamentable way which naturally happens when the temporal authority is joined to the spiritual. When Pio Nono ascended the Papal throne the discontent of his Roman subjects was at its height. He tried to disarm it by salutary measures, and for a season a reforming Pope was the wonder of the world. But it soon became too apparent that the union in one and the same person of an infallible spiritual dominion with a limited temporal sovereignty was an incompatible combination. Discontent became again rife among the Roman citizens. The Pope's prime minister was murdered in the Capitol.

The sacred person of His Holiness seemed in danger; and the annals of the year 1848 record the uncouth fact that the Sovereign Pontiff fled from the Vatican in the disguise of a liveried lacquey on the coach-box of a foreign ambassador accredited to his own court! The Pope fled to the dominions of the King of the Two Sicilies, and established his residence at Gaeta. A revolutionary Triumvirate seized the reins of power—Mazzini, Amicellini, and Saffi. There seemed no prospect of the Pope being restored to his throne.

Of the respective characters of the Pope's and the Triumvirate Governments I need give no opinion of my own. What is really important is the opinion which Lord Palmerston avowed respecting them in the House of Commons (May 6, 1856).

He said that the Provisional Government was one 'which had endeavoured to the best of its power to 'mitigate all atrocities, so that the holy city had not of 'late years been better governed than it was during 'the temporary absence of the Pope.'

On the other hand, the Government which the Provisional Government had superseded was even for a Roman Government a bad one. 'It had been,' he said, 'carried on in the name of the Sovereign Pontiff, 'and it had been guilty of acts of tyranny and op-'pression, the enormity of which could be scarcely 'exaggerated.'

Such were the opinions which Lord Palmerston expressed of the Papal and the Republican Governments respectively. Whether they were just or unjust, correct or incorrect, is nothing to the purpose. We are bound

to accept them as those which his Lordship really entertained, and with which, therefore, as Foreign Secretary, he considered that he had to deal.

At the period when the Triumvirate held sway in Rome, the reestablishment of the Empire in France had not been accomplished. Louis Napoleon was no more than President of the French Republic.

It was, however, by his will that a French army was sent to Rome for the express purpose of overthrowing the *de facto* Government there existing, and of restoring the Pope to the plenitude of his spiritual and temporal authority. For the motives which induced this determination, there was no attempt at disguise on the part of the President. He made no complaints whatever against the conduct of the Roman State towards France. The Triumvirate had not, indeed, given the slightest ground of offence to the French people. The bold and undisguised reason avowed to the French Assembly by the President of the Republic in the autumn of 1850 for the forcible occupation of Rome by a French army, was that *that* occupation was necessary, in order to 'maintain the political influence of France.'

It is impossible, therefore, to conceive a more striking illustration of the violation of the non-intervention principle than these proceedings afford.

It was a forcible intervention; it was not to redress a wrong; it was simply 'to maintain the political influence' of the intervening State; it was to overthrow one of the best Governments, comparatively, which Rome had ever had, in order to reestablish an intolerably bad one. The interference was not based

on the plea of violated order or outraged humanity, but it was against order and in support of tyranny and oppression of almost indescribable 'enormity.'

How then did Lord Palmerston deal with this proceeding? In one respect, in the same way as he did with Russian interference in Hungary. He made no diplomatic remonstrances, and he expressed no condemnatory opinion of it in his place in Parliament. But he was not content with a passive policy. So, when Mr. T. S. Duncombe introduced the subject, and expressed his hope (May 9, 1851) that 'Her Majesty's Govern-'ment did not concur in the continued occupation of 'Rome,' Lord Palmerston replied that 'that occupation 'by the French troops was a measure undertaken by 'France in *her own discretion*, and in the exercise of 'her own judgment. The British Government had 'been no party to this measure. *France had exercised* '*her own rights* in regard to it, and it was not at all 'necessary that the previous concurrence of the British 'Government should have been obtained in this matter. 'The British Government had been no party to this 'aggression, and could not therefore be said to have 'concurred in it. It was a matter on which they might 'have an opinion, but in which they had no particular 'right, by treaty or *otherwise*, to interfere.'

In this ever-memorable reply England's Foreign Secretary admits that France, in thus forcibly interfering, 'only exercised her own *rights*.' France therefore had '*rights*' of interference—and she only 'exercised' those which she possessed. So indisputable were these rights in the estimation of the Foreign Secretary, that

he declared that England had 'no particular right, by 'treaty or OTHERWISE, to interfere.' On the aggression, he said, 'the British Government might have an opinion:' he did not state what it was; he only affirmed that possibly they had one.

This speech conveyed the direct sanction of Great Britain to these French proceedings at Rome.

Now it is an axiom clearly laid down by jurists, that an unjust aggression by one State on another confers on all other States a *right* of intervention for the purpose of redressing a wrong. 'If a Prince make an unjust 'war, everyone has a right to succour the oppressed.'* Lord Palmerston denies that England had any *right* of intervention, by treaty or OTHERWISE—that is, by the law of nations—to oppose the French proceedings: consequently he lays down the principle once again that a State may forcibly interfere in the internal concerns of another State from which it has received no injury, and that in so doing it is not acting unjustly, even though the motive for such forcible interference is exclusively that of self-aggrandizement and 'to maintain its political 'influence.'

By this speech, therefore, the British Government carried their sanction of the violation of this principle one step further than had been done before. In the cases of Spain, of Portugal, and of Sicily it was a violation of the non-intervention principle, for the sake of supporting (what was affirmed to be) good Governments against bad ones: but in this case of the French inter-

* Vattel, bk. iii. ch. iii. s. 49.

vention at Rome the right of France forcibly to intervene for the restoration of a bad Government, and the overthrow of a better, was admitted—and *that* on the avowed plea of maintaining her political influence.

Thus was Great Britain placed on precisely the same level, with regard to her reverence for international law, on which the four great Continental Powers stood. In 1847 the Foreign Secretary had, on the 11th of September, told the Government of Austria that 'any 'aggression on the rights of independent States would 'not be viewed with indifference by Great Britain.' In May 1851 the right of France to make an aggression on Roman independence was acknowledged; and moreover, it was 'viewed with' perfect 'indifference' by the British Ministers.

A similar see-saw course was pursued by the great Continental Powers. They have not scrupled, when it has answered their end, to appeal to this non-intervention principle. They could set it at nought, as a body, when dealing with the newly established constitutional Governments of Naples, Piedmont, and Spain in 1822-23. They could set it at nought, separately, when dealing with Hungary and with Rome. They could set it at nought, in combination with this country, when dealing with Spain and Portugal in 1833, and with Turkey in 1838-9, and again in 1854, when Russia, single and alone, brushed it aside: when the Czar, strong in his own might, and relying on the weakness of Turkey, thought that the moment was come when he might try, with safety, to add the long-coveted territories of the Porte to his own overgrown dominions. He then

demanded of the Sultan to concede to him the Protectorate over some twelve millions of his subjects, who were members of the Greek Church: and when this preposterous demand was rejected, he tried to enforce compliance with it by means of a forcible intervention.

Nevertheless, ever and anon, the great Powers could all, like the British Government, propound and invoke the non-intervention principle when it suited their own purposes.

Thus M. Drouyn de Lhuys, the French Foreign Secretary, writing on the occupation of Rome, avers that that occupation 'constitutes an act of intervention contrary 'to one of the fundamental principles of our public 'law.'* And the Russian manifesto † about Naples contains this remarkable passage:—'Less than ever is it 'now permitted to Europe to forget that Sovereigns 'are equals amongst themselves, and that it is not the 'extent of territory but the sanctity of the rights of each 'which regulates the relations which exist between them. 'To wish to obtain from the King of Naples conces-'sions as to the *internal régime* of his States by 'threatening demonstrations, is to wish to govern in his 'place, and to proclaim the right of the strong over 'the weak.'

Again, similar inconsistencies are recorded of unofficial members of Parliament. Mr. Roebuck, the author of the resolution (June 24, 1850) on the Don Pacifico affair, affirming 'that the principles which have

* Vide *Times*, Oct. 5, 1864.

† Vide *Morning Herald*, Sept. 30, 1856.

'hitherto regulated the foreign policy of Her Majesty's 'Government are such as were calculated to preserve 'untarnished the honour and dignity of this country,' could bewail in the preceding year 'this great principle 'of international law being infringed alike by complete 'republicanism and by complete despotism;' whilst the 'burden of most of the speeches of members of Parliament during the recess in 1864 was that of congratulation 'at the establishment of the great principle of non-intervention, as a maxim of our future policy.' But those who held this language were deceived—they were deceived by the neutral course pursued by the British Government towards the United States during their civil war, and by the abstinence from all forcible intervention in the case of Denmark.

But it is a sad delusion to suppose that any great principle of international law can be 'established,' as a rule, simply by proclaiming it, at a moment's notice, after a series of acts in violation of it. The only chance of a nation getting it to be generally accepted as a rule of law, is when, for a long and continuous period of years, it faithfully asserts and obeys it. For the forty years previous to 1830 the British Government had held it sacred. During the fifteen years which followed, it was set at nought on four separate occasions, and had even been described as a 'narrow-minded prejudice.' Was it possible that it could be again set up, in the case of the United States, as a principle to be held inviolate, and as a fixed rule of conduct and a justification for neutrality?

Thus it is that the public mind becomes confused,

and that so few have a correct notion of the estimation in which Great Britain is really held by the other nations of the world.

In the comments which, throughout this work, have been made on the foreign policy of Lord Palmerston, the reader should observe that little has been said to impugn the soundness and propriety of the political alliances and combinations into which he has entered in order to preserve the balance of power, or to prevent the spread of war, or to preserve the general peace.

Whether those combinations were wise or unwise, successful or unsuccessful, has nothing to do with the questions discussed in these pages.

The propositions which it has been their object to establish are these :—

(1). That the course of policy which has been pursued has broken down the fundamental principles of international law, by the maintenance of which alone can be permanently preserved the integrity and independence of the different States of the world who compose the great family of nations.

(2). That consequently, that moral influence has been destroyed which the British nation possessed up to the year 1830.

(3). That thereby have been separated the moral strength and the physical strength of Great Britain, which, when combined, render Her influence and power almost irresistible.

(4). That this country has in consequence lost the respect and confidence of foreign nations, and with

them the great power and advantages to be derived from being 'the one trusted Government in the midst 'of Governments which no one can trust.'

(5). That by thus destroying the respect for international law a great advance has been made towards establishing throughout Europe the law of force.

CHAPTER X.

TREATY LAW.

THERE are two kinds of law which regulate in theory the intercourse of nations:

(1). International law (somewhat resembling the *lex non scripta*, or the common law of England), which rests on the unvarying principles of right and wrong, and not on positive enactment or special agreement.

(2). Treaty law (somewhat resembling our *lex scripta*, or statute law), which is founded on actual agreement and imposes special obligations according to the stipulations entered into.

To a certain extent treaty law may supply, if need be, the place of international law; especially if, by any unfortunate concurrence of circumstances, the affairs of nations have been so conducted as to set aside those great principles of the law of nations which are, in truth, obligatory on all States. In such a case the existence of treaties, recognised as binding, serve as a check to that lawless spirit of conquest and annexation which the general disregard of international law is but too sure to let loose.

It has been clearly shown, in the preceding chapters, how international law has been dealt with by the

British Government during the last thirty-five years. In this chapter it is intended to show that treaty law has received little better treatment at their hands.

Before the law of force can ride rampant throughout the world, it is essential that treaty law as well as international law should be set aside.

The treaties of Vienna, agreed to in 1815, were the grand foundation on which the settlement of Europe rested. That those treaties had many defects, that in many points the settlement was injudicious, needs not to be denied. But whatever their defects (and, arranged as they were under the most trying difficulties, it is not to be wondered at that there were many), still the signing parties, viz. the great and many of the smaller European Powers, were pledged to maintain them.

Not, however, that their stipulations were irrevocable—not that the Powers who were parties to them had not the full right by joint agreement to modify and to alter them. For a territorial settlement well adapted to the wants and the necessities of the year 1815 was little likely to be equally adapted to the wants and the necessities of all succeeding years.

The advantage to Europe, however, of maintaining those treaties as they stood, until altered by competent authority (viz. the authority of the contracting parties), was very great. It was calculated to give a stability not merely to the existing settlement, but to any subsequent modification of that settlement which the shifting interests of human affairs might render it advisable to adopt. To any advantageous modification, on the condition of joint consent, it would have been the duty of

a British Ministry to assent. Nor was it less their duty to withhold that assent from any alterations, brought about by violence, to which the sanction of the contracting parties had not been obtained.

For upwards of fifteen years the arrangements of the treaties of Vienna remained undisturbed. In the year 1829 a severe shock was given to the European system by the overthrow of the elder branch of the house of Bourbon, and the placing on the French throne of a 'Citizen King.' The facility with which this change was accomplished encouraged all the discontented spirits on the Continent to endeavour to imitate the example of the French people. The excitement which everywhere prevailed was intense, and, as has been already stated, the revolutionary action next broke out in Belgium. The revolt ended in the division of the kingdom of the Netherlands into two parts, whereby the settlement made by the treaties of Vienna was departed from. But as this was done by the consent of the chief contracting parties, faith *quoad* the treaties was not decidedly broken; the alteration was made by competent authority; what remained of the treaties was still binding.

The next event which affected those treaties arose out of the insurrection of the Poles against Russian dominion. The two partitions of Poland between Russia, Austria, and Prussia, towards the close of the last century, were undoubtedly stamped with the character of lawless violence and injustice. At the same time it must be admitted that the chronic state of turmoil in which Poland had long existed was a nuisance to her immediate neighbours.

Had the Poles known how to use their independence when they had it, it would not have been in the power of the partitioning States to deprive them of it.

By the treaties of Vienna Poland was again repartitioned between the three Powers, and for the first time Great Britain made herself an assenting party to a partition. That this was a great mistake on the part of our negotiators, to say the least of it, can hardly be denied. The admissions of Lord Castlereagh lead to the conclusion that it would not have been at that period impossible to restore the independent kingdom of Poland; but, supposing that this result could not, as was asserted, have been accomplished without producing a fresh war, to attempt it at such a sacrifice would have been perhaps inexcusable. Still there was no necessity for Great Britain becoming a contracting party to confirm this unjustifiable annihilation of a great kingdom. Her Government ought rather to have protested against it.

But the British Plenipotentiaries at Vienna were evidently induced to abstain from protesting against this division of Poland, and to abandon their efforts to restore her independence, by the wish to do the next best thing, viz. to obtain some treaty security for the good government of that largest portion of Poland which was assigned to the Russian Emperor. Accordingly they persuaded that monarch to bind himself by treaty not to incorporate Poland with Russia, and to give his Polish subjects a constitutional form of Government which might afford some security for their freedom and happiness.

With the provisions of this treaty the Emperor complied. He abstained from incorporating Poland with Russia, and he established a constitutional Government at Warsaw.

Unhappily, however, both for the Poles and for their Sovereign, his next brother, the Grand Duke Constantine, was appointed as Viceroy of the Kingdom of Poland. He was a man whose uncontrollable and vicious temper led him to disregard, without scruple, the provisions of the Constitution, which his brother, Alexander, had granted. Had the Poles been strong enough to compel him to keep within constitutional bounds, all might have gone well; but, as it was, he disregarded those securities for good government which the Constitution conceded. The Poles were consequently always conspiring to throw off the Russian yoke, and this conduct on their part tended to provoke the Grand Duke's anger, whilst it also served him as a pretext for his violent and unlawful proceedings. At last, in 1831, when the hopes of all the discontented in Europe were excited by the overthrow of Charles X., the explosion came, and Russian Poland rose in insurrection against the Russian Emperor.

The avowed object of the insurrection was to secure their liberties: at first, they did not propose to depose the Czar; but as the contest went on they unwisely, but perhaps not unnaturally, decreed his dethronement, and openly fought for a distinct and independent nationality.

There is something very fascinating and imposing in this doctrine of nationalities. There is something very

chivalrous and noble in the courageous and desperate efforts of the Poles to obtain this end. They sacrificed all that was dear to man, from the patriotic feeling that they did it for their country. So the Poles deserve our admiration.

Still, it must not be forgotten that this doctrine of nationality, however attractive to a generous mind, would, if everywhere attempted to be carried out, infallibly plunge all the nations of the world into the vortex of civil war.

The immediate cause of the outbreak was the punishment by flogging, on the sole authority of the Grand Duke Constantine, of some young men whom two successive commissions of inquiry had absolved from guilt. But not so much to this outrage or to *his* acts, as to the intense longing for independence and the hope of foreign aid, the insurrection at that time must be attributed.

It is not to the purpose here to enter into the details of the conflict. It is sufficient to state that, after a severe struggle, in which Polish valour and determination were conspicuous, the rebellion was extinguished by the overwhelming forces which Russia brought to bear upon it.

The extinction of the rebellion brought with it, as a not unnatural consequence, the extinction of the constitution.

The question is, was this such a violation of the treaties of Vienna, as to give the contracting Powers a right of war?

It seems difficult to affirm that it was so. The Em-

peror had in a way fulfilled his contract with the parties to the treaty; it was the act of the Poles which abrogated the treaty. Had they confined themselves to the object which in the outset they professed to seek—viz. an amelioration in their government, with the Czar as their king, they would not have lost their right of appeal to the Powers, parties to the treaty, an essential part of the treaty being that the Czar should be King of Poland. But the Poles, by rashly decreeing his deposition, changed the tenure by which His Russian Majesty held their kingdom, from that of stipulation to that of conquest. It could hardly be expected of him to restore constitutional power to those who had so recently thrown off their allegiance and waged a deadly war against him. The Poles themselves threw away the shelter which those treaties afforded them, and thereby they lost the right of appeal to a protection which they had manifestly despised.

To this abrogation of the Constitution, England, however, never gave her sanction: so that if Russia broke her faith and violated her treaty obligations, England had still the right to consider the Vienna treaties as binding.

The next case in which deviation occurred from those treaties was in respect to the city of Cracow, which had been constituted by them a free and independent city. Such an asylum for discontented Poles was of course a source of considerable uneasiness to the three partitioning Powers. They determined, therefore, in the year 1846, that it was fitting to put an end to it, and accordingly it was settled that Austria should take

possession of the city. This was unquestionably a gross outrage on the treaties, and it gave Great Britain a right of war against the offending parties. The British Government did not deem it expedient to exercise the right; had they done so it would not have been of any avail. What could Great Britain have done against Russia, Austria, and Prussia, in the very heart of their respective dominions, to restore the independence of Cracow? Wisely, therefore, did her Government content itself with entering a protest against the proceeding; but by so doing the binding efficacy of the Vienna treaties was duly asserted. The case was dealt with as it was fitting that it should be.

Thus far, then, the British Government adhered to the faith of treaties. Those of Vienna still formed part of the public law of Europe.

But when, as has been already stated, the English Foreign Secretary took no dubious part in promoting the separation of Sicily from the kingdom of Naples, and offered, without any consultation with the Allies, to recognise as Sicilian Sovereign a Prince of the house of Savoy, he made an offer which was directly opposed to the obligations of treaty, and thus an excuse was given to other Powers to imitate so dangerous an example. It was the first unmistakeable act on the part of Great Britain calculated to set aside the treaties of 1815.

It matters not that, on this occasion, nothing came of the offer. It was notorious that it was made, and thus England followed up the example set at Cracow, in showing her willingness to disregard her treaty obligations.

This was the first blow given by England to the treaty law of Europe.

The next deviation arose out of the recognition of Louis Napoleon Buonaparte as Emperor of the French by the English Government. By those treaties this country was bound to join in opposing and expelling any Buonaparte who should mount the throne of France. But Lord Malmesbury, then Foreign Secretary, agreed with the great Powers to ignore this stipulation; and so scrupulous was he in maintaining treaty law inviolate, that he conducted an important negotiation respecting the real meaning of the assumed title of Napoleon III., which negotiation ended in the new Emperor recognising all public and international acts performed by his predecessors on the French throne, of all dynasties—just as if he had succeeded immediately after the deposition of the son of the first Napoleon. The treaties of 1815 therefore still formed part of the public law of Europe.

After, however, the resignation of Lord Derby's Government, acts were done by the succeeding Government which materially diminished, if they did not altogether destroy, the binding force of those treaties.

They had not, of course, been framed in a spirit favourable to France. The world had not sufficiently recovered, when they were made, from the shocks which it had received from the aggressions and triumphs of France in all parts of the European Continent, to lose so soon the dread of French ambition and power.

The arrangements and stipulations concluded at that period were therefore by no means palatable to the

Bourbon and Orleans dynasties; but to a Buonaparte they could not but have been a source of considerable soreness; and, without doubt, one of the fondest desires of the French Emperor was to trample them under foot.

To regain for France a portion of her former frontiers—to destroy, in Italy, Austrian influence, and to replace it by French—but especially to rid himself of the odious treaties, were in his eyes most legitimate objects, well worth a war with Austria to obtain them. So the Emperor professed to go to war for an 'idea'—the unity of Italy; but the real predominant idea over which his mind brooded, was the 'rectification of one 'of the frontiers of France, notched (*ébréchée*) after the 'hundred days by the second treaty of Vienna.'* There can be no reasonable doubt that there was an understanding between the Emperor and King Victor Emmanuel, before a French soldier set foot in Italy, that if, by the aid of French arms, Lombardy should be torn from Austria and annexed to Piedmont, Savoy and Nice should be given up to France. How little the Emperor cared for the unity of Italy was sufficiently manifest by the treaty of Villa Franca, by which it was stipulated, after a triumphant war, that all the little Italian Potentates who had been obliged to fly should be restored to their dominions, whilst the unity which had been promised was postponed to a more convenient opportunity. Events, however, evidently went faster than the Emperor either intended or expected. The

* A sentence of M. Lamartine when head of the French Government.

people of the lesser States did really desire *that* Italian unity which had been the useful war-cry of His Imperial Majesty, and instead of returning to their allegiance to their former Princes, they annexed themselves to *that* Italian kingdom which was now rapidly growing into shape. After a short time a large portion of the States of the Church were detached from the dominions of the Pope, and were united to Piedmont, and Garibaldi, having driven from his capital the Bourbon King of the Two Sicilies, proclaimed Victor Emmanuel as his successor. So that when the Monarch coming from the North, and the Hero from the South, met for the first time in the centre of the Peninsula, Garibaldi's celebrated salutation of Victor Emmanuel, 'Hail, King 'of Italy!' described not merely an 'idea' but a reality.

These consequences were assuredly not contemplated by the French Emperor, although they mainly resulted from his interference.

Vast changes had thus been brought about in the territorial settlement of Italy, as arranged by the Vienna treaties. But Great Britain was not bound to have recourse to hostilities in order to maintain those treaties inviolate, and the changes in question were not such as it was her duty or her interest to oppose. She was in no way responsible for the means by which they had been effected.

As a matter of policy an united Italy is desirable for British interests. Great Britain therefore not being bound in honour or good faith to have recourse to hostilities, her Government wisely decided that she should be neutral.

Nevertheless there were the changes, and with those changes it was necessary for her to deal.

The fact of a war having broken out between France and Austria, although it might put an end to the mutual treaty obligations as existing between those two Powers, yet could not release either of them from their treaty obligations to other Powers with whom neither of them had gone to war. Neither would an unjustifiable and unprovoked attack by a strong Power on a weak Power, whereby the weaker Power should be goaded into resistance, relieve that strong Power from any treaty obligations which it might have contracted with that weak Power. To maintain the contrary would, as Lord Palmerston remarked, be a 'most preposterous doctrine, 'and if once established, any strong Power having an 'inconvenient treaty with a weak one would have 'nothing to do, in order to free itself from its engage-'ments, but to make such unprovoked attack.'*

Fully admitting that it was sound policy for this country to recognise, and to give, so far as her recognition could give, stability to the actual alterations, there were two ways of doing it.

(1). By acting at once without regard to treaty stipulations.

(2). By notifying the intention to recognise the kingdom of Italy so soon as the consent of her allies, parties to the treaties of Vienna, could be obtained.

By the first course those treaties would be set aside as no longer binding. By the last course they would

* Viscount Palmerston, Feb. 8, 1863.

have been held sacred, and the treaty law of Europe would have remained in force.

Unfortunately for this country and for Europe, the British Government adopted the first of these two courses. Dazzled by the exploits of Garibaldi—led away by the fascinating 'idea' of an united Italy, they hastened to follow the example of France, and, without consultation with Russia, Austria, and Prussia, recognised the new kingdom. Those Powers stood aloof. To this day Austria refuses to acknowledge Victor Emmanuel as King of Italy, and although it may be true that the recognition of a *de facto* Government cannot be indefinitely delayed, and may, from the force of circumstances, after a time become a necessity, yet such a step should at any rate not be hastily taken, nor until every reasonable effort has been exhausted to obtain a release from the obligations by which a nation is bound to its allies. This was the course pursued by this country towards Spain in the case of the revolt of the American colonies—and later still, towards the United States during the civil war between the North and the South. In the first case the delay turned out of no avail; in the next the call for recognition never ripened into a necessity.

More especially on this occasion of the change in the territorial distribution of Italy was great caution and deliberation required; for, so recently as May 1849, Lord Minto, speaking of his Italian mission, affirmed that he had omitted no 'opportunity of stating, while 'in Italy, that, desirous as the British Government were 'of seeing a wholesome reform in Italy, there was one

'point on which their opinion and determination 'remained fixed—viz. that they would be no party 'to, and would not encourage, tolerate, or approve any 'changes of the territorial arrangements settled by the 'treaties of Vienna.' This language Lord Minto of course held in conformity with his instructions.

Lord John Russell two years before had made a similar declaration in Parliament in the debate on Cracow (March 4, 1847): 'We have not looked to any 'interest, whether large or petty, in regard to ourselves. 'We have regarded the great interests of Europe; we 'have desired that the settlement which put an end to 'a quarter of a century of bloodshed should remain in 'full force and vigour. We have declared that senti- 'ment to the world, and we trust that the reprobation 'with which this transaction has been met will, in 'future, lead all Powers, whoever they may be, who 'may be induced to violate treaties, to consider that 'they will meet with the disinterested protest of 'England, so that her character shall stand before the 'world untarnished by any act of her own.'

Later still, Lord Malmesbury, on the part of the Government (Jan. 10, 1859), had instructed the British Ambassador at Paris that if the territorial arrangements of the Italian peninsula were changed by violence, 'the 'treaties of 1815 must be effaced, for such redistribution 'of territory could not be effected without the consent 'of the parties to those treaties.'

Statesmen, therefore, of opposite politics had solemnly recorded their opinion that it was a duty to adhere to the Vienna treaties. Yet the same Ministry which

thus instructed Lord Minto to declare that they would not 'encourage, tolerate, or approve' any change in these territorial arrangements, unnecessarily, not only without the consent of, but without concert with, the other parties to the treaty, hastened to bestow Her Majesty's recognition on the, at that time, imperfectly established kingdom of Italy.

By this act a heavy blow was given to treaty law, and henceforth it will be almost idle to appeal to the treaties of Vienna as part of the public law of Europe.

Encouraged by the offhand way in which the British Government thus disregarded the obligations of treaties, the Emperor of the French saw too clearly that he had nothing to fear from any serious obstacles which Great Britain would throw in his way should he claim from Victor Emmanuel the fulfilment of his agreement to cede to France, Nice as well as Savoy, the cradle of his house, his ancient hereditary dominions. Rumours of this cession being intended had been rife for some time, but they had been stoutly denied by Count Cavour on the part of the Sardinian Government. Now, however, that there was no fear of England, continued disguise was unnecessary. The new King of Italy readily admitted the claims of the French Emperor, and forthwith, by the cession of those two countries, satisfied them. The 'notch' in the French frontier was filled up.

Thus, by a series of acts, professedly unconnected, and 'founded on the special circumstances of each 'particular case,' but still so unfortunately adapted to each other as to have all the inconvenient effects of a

preconceived system, did Lord Palmerston effectually break down the treaty law which prevailed in Europe when he first became the Foreign Minister of Great Britain.

The natural consequences have followed.

The great German Powers were not slow in following the example of the British and French Governments in breaking through the obligations of treaty. The Vienna treaties were some forty years old, and were in some respects hardly adapted to the altered state of affairs as existing in 1860; so that an alteration in them might have been not unreasonably required. But there was a treaty in existence, made as lately as the year 1852, the provisions of which were expressly framed to meet the state of things which would arise whenever Ferdinand VII., the then King of Denmark, should die. That monarch not only had no issue, but was the last of his line. The great Powers of Europe foresaw, therefore, that, on his demise, disastrous complications would be certain to ensue—owing (1) to the various tenures by which he held the sovereignty of different portions of his dominions—(2) to the disputed relations in which some of those portions stood towards the Germanic Confederation—(3) to there existing a claimant to the Schleswig-Holstein Duchies in the person of the Duke of Augustenburg—and (4) to the disputed relations in which those Duchies stood towards each other and towards Denmark Proper.

In order, therefore, to set the foreseen disputes at rest before the crisis actually arose, a solemn treaty was entered into, to which Denmark was

a party (with the consent of the claimant to the Duchies), to provide for the succession to the Danish throne. By that treaty they agreed that Prince Christian of Schleswig-Holstein Sonderburg-Glucksburg, named by King Frederick as his successor, should on the decease of King Frederick be recognised by them as King of Denmark; and the first article declared 'his 'right to succeed to the totality of the States actually 'united under the sceptre of the then King of 'Denmark.'

Great Britain, Austria, Prussia, France, Russia, Sweden, and Denmark were the contracting parties to this treaty, which was duly signed and ratified by them all in the month of May 1852. Hanover, Saxony, Wurtemburg, Oldenburg, and Hesse-Cassel afterwards acceded to it.

Now there were certain understandings or stipulations by which Denmark was bound to the German Powers, as to the mode of dealing with the Schleswig-Holstein Duchies. Whether Denmark honestly fulfilled those stipulations, or whether Germany had a right to make the demands which she did upon the new King, is a point which, if determined against Denmark, might justify Germany n a war to compel their fulfilment; but assuredly it would not justify any demands beyond it. For, although had the treaty been made with Denmark alone, and had Denmark given to Germany just cause of war, the penalty of an unsuccessful war might not unjustly have been exacted from *Her*, yet the order of succession to the Danish monarchy, as settled by the treaty, having been agreed

to as a matter of general policy in which all the signing parties had a common interest, and having been accepted as public European law, because the integrity of the Danish monarchy was recognised as essential to European peace — however completely a just war against Denmark might have relieved the German Powers from their obligations towards Denmark to fulfil that treaty, it could not relieve them from those obligations which they had contracted with those other Powers with whom they had not gone to war. To those Powers Germany was bound.

But the conduct of the two great German Powers towards Denmark has been from the beginning as false, unjust, and oppressive as it has been faithless and inexcusable towards their other allies.

They marched their troops into Denmark for one reason, retained them there on another, levied war on her on the most frivolous pretences, treated the unoffending inhabitants of Denmark Proper with shameful cruelty, pillaged them of their property, contrary to all the laws of civilised warfare, and converted a smiling and prosperous country into a state of extreme poverty or ruin. Having grasped possession of the Duchies by force, they have held on till, finally, by a Convention (Gastein), which betrays the baseness of their motives from the beginning, and the fraudulent character of the pretences with which they begun the strife, they have with unblushing effrontery agreed with each other to divide between themselves the territories which they have lawlessly seized. Austria has appropriated Schleswig, a province undeniably Danish; and Prussia has appropri-

ated Holstein and Lauenburg, undeniably belonging to the German Bund, as well as the port of Kiel and the control of the canal across the isthmus. The partition of Poland has thus been reenacted in what is called 'this age of progress.'

Whether the British Government first encouraged Denmark to expect assistance, and then shrank back and disappointed the hopes which it had excited, whether it was for the interest or honour of this country to interfere with an armed force to prevent the dismemberment of Denmark, need not be here discussed. The point which bears upon the purport of this work is this—that the great German Powers contemptuously defied the remonstrances of the British Government and Parliament—that it was in vain that Lord Palmerston denounced* the entrance of the Austrian and Prussian forces into Schleswig as 'an outrage and 'an injustice'—that it was in vain that he denounced their entering Jutland as an 'aggravation of the outrage.' To these remonstrances of the Premier they turned a deaf ear, and treated them with cynical indifference. They might—nay, it is very certain that they would—have been stopped in their iniquitous career by a threat of forcible resistance; but they, not unnaturally, disregarded simple appeals to justice and good faith, when made by a Government whose course of policy they knew had long ceased to be guided by either.

Of the actual fact that treaty law is no longer considered binding by the great European States, there can be no reasonable doubt.

* February 12, 1865.

Lord Russell thus asserts it, when commenting on the Gastein Convention (Sept. 14, 1865):—

'But all rights, old or new, whether based on a 'solemn agreement between Sovereigns, or on the clear 'and precise expression of the popular will, have been 'trodden under foot by the Gastein Convention, and 'the authority of force is the sole power which has 'been consulted and recognised.'

Again, take the observations of the 'Times' of Sept. 13, 1865, on the same subject:—

'Although we cannot reproach ourselves with the 'result, it is none the less deserving of consideration. 'It amounts to a demonstration, that things will be done 'in Europe such as were done in times past, unless 'some control is maintained over the passions of States 'by superior power. What Prussia has done to 'Denmark she may do to any State equally weak; and 'what has been done by Prussia may be done by any 'State equally strong. If there is no European police, 'Europe will again become the scene of political crimes. 'There is no security that the partition of Poland may 'not be reenacted at the expense of any people whose 'possessions are coveted by formidable neighbours. 'All that was talked about the progress of civilisation 'and the moral force of opinion was no better than a 'dream.'

Would to God that the opening observation was true, that England 'cannot reproach herself with the result'!

That result, alas! is not confined to the Danish question. It is universal.

Read the remarks of the 'Times' on two different questions,—on Nov. 3, 1864:—

'Such acquisitions [as Germany has obtained from 'Denmark] are dearly purchased by the triumph of a 'policy which ostentatiously tramples under foot any 'considerations of right and justice, and reduces *what 'was once the law of Europe*, understood and acted 'upon by all nations, to the simple question of the 'longest sword.'

And again, on the selfsame day, on the affairs of Poland:—

'A nation wallowing in an ocean of its own blood, 'sunk in the lowest depths of despair, and given over 'without hope and without resources to the hands of 'its bitter and exasperated enemies, who cruelly insult 'the unutterable woes of the bravest and most deeply 'wronged people of whom history gives us any account.'

On behalf of this unhappy nation, which had again burst forth into rebellion in 1863, and been again crushed as she had been before in 1832, the British Government had interceded somewhat in the same way and with precisely the same effect as they afterwards interceded with Austria and Prussia for Denmark. Unfortunately, in the case of Poland they based their intercession on grounds which, after what had passed, could not be sustained. Lord Russell founded them 'on the engagements taken by Russia by the treaty of 'Vienna.' (April 10, 1863.)

Now, admitting that the Polish insurrection in 1832 did not, as I contend it did, abrogate the engagements of that treaty respecting Poland, the acts of the British

Government, on the various occasions set forth in this chapter, in putting aside the engagements of those treaties, deprived it of the privilege of appealing to them.

For, assuredly, England has no special privilege at one moment to set aside the stipulations of treaty, and the next, according as it may suit Her purpose, to claim from other Powers a fulfilment of its obligations. This was evidently the opinion of Russian statesmen, and it is significantly shown by their mode of dealing with the propositions of Great Britain and France for the pacification of Poland. 'The principal Secretary of State 'of Her Britannic Majesty,' said Prince Gortchakoff, 'must excuse us from giving an answer to the proposed 'arrangement for the suspension of hostilities. It 'would not,' he sarcastically remarked, 'stand the test of 'a serious examination of the conditions necessary for 'carrying it into effect.' (July 1863.)

And to France the Prince wrote (Sept. 7):—'As 'regards the responsibility which His Majesty may as-'sume in his international relations, those relations are 'regulated by international law. The violation of those 'fundamental principles may alone lead to a responsi-'bility. Our august master,' he affirms, 'has always re-'spected and observed those principles towards other 'States. His Majesty has a right to expect and to de-'mand the same respect on the part of other Powers.'

Thus Lord Russell's diplomacy received a signal rebuff, and he may perhaps have learnt therefrom that the only way in which the effective influence of this country can be maintained over the European commu-

nity is by fearlessly and resolutely adhering to the great principles of the law of nations, and by honestly fulfilling the special obligations imposed by the law of treaties.

Russia would never have dared to return to British remonstrances, against her dealings with her Polish subjects, a scornful and a jeering answer, if the Ministry of Great Britain could have addressed her invested with that moral dignity and influence which a Government derives from being 'the one trusted Government in the 'midst of Governments which no one can trust.'

Austria and Prussia would never have turned a deaf ear to her remonstrances against their atrocious treatment of Denmark, had those expostulations been addressed to them by the rulers of a nation whom united Europe honoured and trusted.

Let not, then, the British people disguise from themselves this bitter truth. We are no longer looked upon as the one unselfish and trustworthy nation to whom the oppressed can look even for moral support. The deplorable policy detailed in these pages has rolled back the tide of Christian civilisation, and has installed throughout this quarter of the globe the only law known to the barbarians of old—the law of the strongest—the law 'of the longest sword'— *the law of force.*

Meanwhile foreign nations have looked on and wondered. They at least have not been blind to the downward process which has been going on; and according as men's spirits have been of good or of evil, they have deplored or rejoiced at the extinction of the moral power of Britain.

PART II.

ASIA.

ASIA.

CHAPTER I.

INTERNATIONAL LAW.

It is a strange notion, but nevertheless it is somewhat extensively accepted by the British public, that those principles of law and justice which jurists have tried to embody in a code of international law are not applicable to transactions with the nations of Asia. This notion has been commended to the minds of men by various plausible maxims, which, since they serve to excuse our dealings with our Asiatic fellow-creatures, are soothing to men's consciences as palliating deeds otherwise inexcusable.

One of the most plausible of these maxims, and one which has been sanctioned by some who should have known better,* is that, 'it is an uncontrollable principle that barbarism must recede before civilisation:' consequently if civilisation adopt the maxims, or, at any rate, the practices of barbarism, it is only what Lord Palmerston describes as 'the natural and usual 'history of the relations of a highly civilised people 'with a half civilised one.' (May 3, 1864.)

* The late Sir Robert Peel.

But assuredly there is no uncontrollable principle which necessitates either an attack on the unoffending, or a breach of faith. It is a libel on God's truth to affirm that any principle can exist which it is at once *wrong* to obey, and yet which it is *impossible not* to obey.

Another maxim is, that 'the only intelligible language 'to Orientals is the language of force;' consequently that it is lawful to use force, when, in the judgment of those who employ it, it is expedient to use 'intelligible 'language.'

These wise saws, and others like them, are extremely convenient to a people who have very extensive dealings with the Asiatic world, and whose overwhelming forces can be employed with little risk in speaking this 'intelligible language.'

Another argument which is gravely urged, is that Asiatics in general are so very wicked, so utterly false, profligate, and cruel, that it may be our 'mission' to punish them. If so it be, and that we, like the Israelites of old, are really chosen to execute such a divine mission, in God's name let us closely examine the grounds on which we imagine that we are so; and if satisfied with them, let us openly proclaim that we believe ourselves to be invested with the high office of God's avenger. This is what the Czar Nicholas had the courage to proclaim at the commencement of the Crimean war—with what results to himself and to his country need not be here detailed.

But can any reasonable beings who are Christians honestly believe that notions and arguments such as these are valid in the eyes of God, as justifying deeds

done in Asia of violence and bloodshed which, if done in Europe, would be denounced as cruel, unjust, and lawless? Can it be seriously argued that right and wrong depend on latitude and longitude, and vary with varying localities?

'It is indeed an absurd justice,' says Pascal, 'which 'is limited by a river or a mountain.'

'In forming my judgment,' said Lord Stowel,* 'I 'trust it has not for one moment escaped my anxious 'recollection that the duty of my station calls me to 'consider myself, not as stationed here to deliver 'occasional and shifting opinions to serve present 'purposes of particular national interest, but to administer with indifference that justice which the law 'of nations holds out without distinction to independent States. The seat of judicial authority is 'indeed locally here in the belligerent country according to the known law and practice of nations, but '*the law itself has no locality*. It is my duty to determine the question exactly as I would determine it if 'sitting at Stockholm—to assert no pretensions on the 'part of Great Britain which I would not allow to 'Sweden in the same circumstances, and to impose 'no duties on Sweden which I would not admit to 'Great Britain in the same character.'

If then this doctrine, that what is right and wrong in Europe is not right and wrong in Asia, be good for anything, it is good as a justification for Russia driving the whole Circassian people from their homes, and leaving more than half to perish on the Turkish shores

* Case of 'Maria,' Swedish convoy.

of the inhospitable Euxine. Or, is the doctrine invalid only where Russia is concerned in Western Asia, viz. in Circassia, Mingrelia, and Georgia; but valid where England is touched in Central and Eastern Asia, viz. in Persia, India, and China?

Truly we are taught that 'God is the Judge of the '*whole* earth;' and to suppose that acts which are wicked and unchristian in Europe are not wicked and unchristian in Asia, is a monstrous supposition evidently invented to hide those deeds of darkness which will not bear the light of truth.

Rather should England pray:

> **Let not our weak, unknowing hands**
> **Presume God's bolts to throw;**
> **Nor deal damnation round the lands,**
> **On each *we* judge His foe.**

That Eastern nations are perfectly capable of discerning and duly appreciating the difference between right and wrong, might be shown from the honest and unbiassed testimony of many celebrated Englishmen whose lot it has been to have dealings with them.

Take, however, as an example, the testimony of two—one, Lord Macaulay, who passed several years in India, and who studied deeply Indian affairs in England and Indian society in India. He records it as his deliberate opinion that 'English valour and English intelligence 'have done less to preserve our Oriental empire than 'English veracity. All that we could have gained by 'imitating the doublings, the evasions, the perjuries 'which have been employed against us, is as nothing 'when compared with what we have gained by being

'the one Power in India on whose word reliance can 'be placed.'

So wrote Macaulay in the 'Edinburgh Review,' January 1840. Did he ever again venture to pen a similar sentence?

And Sir Henry Pottinger, our Minister Plenipotentiary, who concluded our first treaty with China, thus spoke at a dinner given to him by the Liverpool merchants shortly after his return to England:—

'I wish I were permitted to say all that I could say 'respecting the moral character and high sense of 'honour of these people. They really put me to the 'blush, when they reasoned with me on the injustice 'of the case, and on the wanton atrocities committed 'by our men. They entreated me, on my return home, 'to get my Government to restrain our sailors from 'committing such unnecessary acts of violence.' And then having detailed some of these acts, he adds: 'It is 'no wonder therefore that the Chinese have such a 'horror of the English, and that *they* think and call *us* '"barbarians;" for truly that term well befits the 'Government influences of this country, if not its 'inhabitants.'

Such is the testimony of two highly distinguished men, as to the moral qualities, and the powers of perception between right and wrong, possessed by the natives of Eastern Asia. It is confirmed by the 'Quar- 'terly Review.' 'The assertion,' says that periodical, 'that the Chinese are a semi-barbarous nation, is 'denied by almost every traveller who has penetrated 'beyond their ports and lived freely among the

'people. In the refinements of life, in courtesy, 'humanity, and domestic affection, they are at least 'our equals, and in some respect our superiors.'*

Take still more recent testimony:—

'I have left the country' (says Dr. Rennie), 'with 'the conviction that the Chinese nation, as a whole, 'is a much less vicious one than—as a consequence of 'opinions formed from a limited and unfair field of 'observation—it has become customary to represent it; 'further, that the lower orders of the people generally 'are better conducted, more sober and industrious, and, 'taken altogether, intellectually superior to the cor- 'responding classes of our own countrymen.'†

That this Christian nation has a right to deal with such populations on different principles from those which obtain, or ought to obtain, in this quarter of the globe, I wholly deny, and I claim therefore to try British doings in Asia by the same test—viz. the law of nations—which I apply to British doings in Europe.

* *Quarterly Review*, No. 203, p. 163.

† *Peking and the Pekingese during the First Year of the British Embassy at Peking.* 1865.

CHAPTER II.

THE WAR IN AFFGHANISTAN.

THE saddest chapter in the history of British India is the war which Great Britain entered into with the people of Affghanistan, and their ruler Dost Mahomet Khan.

The subject is so painful, so awful, so utterly destitute, as far as is at present known, of one single redeeming feature to afford a shadow of an excuse for our proceedings, that all reference to it here would have been gladly avoided, were it not that it forms too important a link in the chain of evidence whereby to show that it is mainly owing to the example set by England, both in Europe and in Asia, that throughout the world those restraints have been undisguisedly broken through, which the principles of justice and international law used formerly more or less to impose on the lawless violence of unprincipled and encroaching nations.

Dost Mahomet Khan was the chosen ruler of the Affghans. A pretender to the throne, in the person of Shah Soojah, whom his subjects had driven away, dwelt within the dominions of British India. Forcibly to overthrow the one, and to restore the other, was

as if England were now to resolve, *solely for her own convenience*, on dethroning the present King of Portugal by force in order to bestow his crown on the pretender Don Miguel. In point of principle there would not be the slightest difference between the two acts. But as the one was done in Asia, it excited little interest in this country; and as the other would have to be done in Europe, it would, without doubt, were it attempted, excite an agitation and indignation here and on the Continent, such as has never been surpassed during this century. It should therefore be always borne in mind, in contemplating this Affghan war, that it would be difficult to suggest a closer parallel than that which exists between these two cases.

The conduct of the British Government towards the Affghans afforded a signal example of the violation of the non-intervention principle.

Dost Mahomet had been for years the chief ruler of Affghanistan, owing no allegiance and under no obligations to the British Government. Affghanistan was to all intents and purposes an independent State, and had its ruler entertained unfriendly *feelings* towards British power, provided those feelings did not betray themselves by overt acts, even then there could have existed no just cause for war against him. But it has been clearly established that Dost Mahomet's *feelings* were friendly to the British Government, as well as that his acts were in accordance with his feelings. With this Chief, however, so disposed towards this country, two members of the British Cabinet, for reasons which to this day remain an unfathomable

mystery, were determined that England should wage war; and what makes it so mysterious, is that the reasons publicly assigned for this determination could not have been the real ones. The charge brought against Dost Mahomet was, that he was inclined to assist the Persians in injuring us—that the Persians were made the instruments of Russia—that Russia was the moving cause to influence the Persians, 'for purposes 'avowedly unfriendly and hostile to us,' viz. to further her designs upon our Indian empire. Now that these reasons could not have been the real ones is manifest. In the first place the British Envoy, the celebrated Alexander Burnes, who was sent to Cabool to ascertain the disposition of Dost Mahomet towards the English, reported decidedly that he entertained friendly feelings towards us, and that he was only anxious to secure our good-will and assistance, in case *he* should be attacked by the Persians. There could have been no mistake on that point by the recipients of Sir Alexander's despatches; for so conscious were they that the contents of these despatches would cut from under them their accusation against Dost Mahomet, that when they laid them before Parliament it was thought necessary to 'exercise the right of prudent selection' in order to make them convey a meaning directly opposite to the one which was really expressed by the writer. This deed, which Burnes described as one 'of pure trickery 'and fraud,' is established beyond doubt by the publication by Burnes himself of the originals *in extenso*, clearly showing that the two members of the Cabinet must have designedly manipulated the despatches, to

make the public imagine that they expressed opinions directly the reverse of the real ones. The designs of Dost Mahomet, then, were decidedly friendly to our Indian Government, and that they were so was perfectly well known to the English Ministers. But had they been the contrary, they could not have been formidable in themselves. In order to invest them with a formidable character, it was therefore necessary to go two steps further back. Dost Mahomet was, it was asserted, inclined to assist the Persians; and the Persians were accused of being instruments in the hands of Russia. The proof of this assertion was sought in the attack on Herat (a fortified city in Khorasan), which Persia was then besieging. If the Persians were not instruments of Russia, no danger could have arisen to our Indian dominions had they obtained possession of that place. But before our army entered Affghanistan, the Persians had raised the siege, so that if any real dangers on that score were to be apprehended from Persia, as an instrument of Russia, obtaining possession of that fortress, those dangers had disappeared. Therefore, if it had been true that Dost Mahomet had been inclined to assist the Persians, he could not have done it, because the opportunity had passed by. So far, then, as danger might arise to our Indian power, severally from either Persia or Affghanistan, or from both united, all danger was over.

With regard to Russia, who was accused of being the motive power which had set Persia and Affghanistan against us, our relations had become perfectly amicable at the period of our Affghan invasion,

which was professedly undertaken to defeat the intrigues of Russia, by destroying the instrument by which she sought to injure us. It was this excuse, given for attacking Dost Mahomet, which probably made this nation acquiesce so tamely in the war.

It appears that on October 28, 1838, the British Foreign Secretary addressed a remonstrance to the Russian Government, complaining that 'Russian agents 'in Persia and Affghanistan had lately been engaged 'in measures studiously concealed from the British 'Government, and planned in a spirit unfriendly to 'Great Britain, and for objects hostile to her interests.'

This remonstrance was crossed in its passage by an expostulation from Russia, accusing England of aggressive designs on Persia alarming to Russia. The results of these reciprocal remonstrances are recorded in the following sentences:—

'I have great pleasure in being able to state to 'your Excellency that this communication has, in its 'result, been highly satisfactory to Her Majesty's 'Government.' *

'These explanations have afforded to the two Cabi- 'nets the opportunity of receiving and of offering, on 'either side, assurances which bear the character of 'just reciprocity, and which are inseparable from each 'other.' †

Thus on this point England and Russia were reconciled. Taking, then, each link in the chain—Russia, Persia, Affghanistan—it appears that every one of the

* Lord Palmerston to Count Pozzo di Borgo, Dec. 20, 1838.

† Count Nesselrode to Count Pozzo di Borgo, Jan. 20, 1839.

assigned causes was done away with *before the war begun.* The British Government therefore entered into the war, and assigned reasons for it which those who assigned them knew were not true, and without any other apparent cause. But even if the reasons assigned had been the true ones, which it has been shown they could not have been, they were totally inadequate to justify recourse being had to that last extremity.

If the feelings of Dost Mahomet had been in reality such as were falsely imputed to him (in direct opposition to the reports of our own agent), so as to give us real cause for apprehension, it is monstrous to contend that our apprehensions about the *feelings* of the Affghan *ruler* were a just cause for war—still less would they have been a just cause for war levied for the object of not only depriving the Affghan *people* of the ruler of their choice, but of bringing back Shah Soojah, a sovereign whom they had expelled, and who was not without reason most odious to them. Moreover, the British Government made this war in the manner most offensive to the Affghans. The Sikhs were the deadly and hereditary enemies of the Affghans, yet we entered into a treaty with the Maharajah of the Sikhs, Runjeet Sing; and, as if it were on purpose to increase its offensiveness, we made Shah Soojah a party to the treaty. The object of that treaty was the Shah's restoration. Having thus combined the dethroned Monarch of the Affghans and their deadliest enemies with ourselves, we represented our hostile proceedings as conferring on that people the greatest of benefits, the settled government of a ruler whom a great part of the people

would gladly see restored! How utterly false were those representations subsequent events too clearly proved.

This treaty, then, involved a forcible interference in the internal concerns of the independent kingdom of Affghanistan, which had given us no grounds whatever of offence, and that interference was against the well-known wishes of its ruler and its people.

It was, moreover, a treaty which, considering the position of the parties whom we had joined with us in its stipulations, was as insulting to the nation against whom it was directed, as it was injurious to the best interests of the country which framed it.

Whether the mystery in which it is involved will hereafter ever be cleared up, it is impossible to predict, but at present its secret history remains wholly unknown to the British public.

Its execution resulted in a fatal and unexampled catastrophe; but neither its failure nor its success would have altered the real features of the transaction.

It afforded an example in Asia of a direct breach of international law—of all the principles of justice which ought to be held sacred; and was one more step in advance towards establishing throughout the world the law of the strongest.

CHAPTER III.

INDIA—LORD DALHOUSIE'S POLICY—THE MUTINY.

WHETHER the other features which mark the administration of the vast empire which Great Britain now possesses in India are calculated to wipe out the black blot which still stains her good name from her dealings with Affghanistan, is the question which in this chapter it is proposed to discuss.

The Affghan war took place during the Governor-Generalship of Lord Auckland; and after our armies had, under his truly able successor, Lord Ellenborough, marched as conquerors and avengers over all the districts which had witnessed our disasters, the British armies were voluntarily withdrawn from all parts of the Affghan territories.

The prestige of our power being thus restored, the ugly fact still remains, that this unjust aggression resulted in the total annihilation of a large British army —an occurrence without parallel in our history.

It was thus with the Sepoy mutiny; it was crushed by British valour, and the terrible vengeance which was taken has probably only served to strengthen our hold on our Indian possessions: but still the ugly facts remain, that for a time the whole fabric of our power was

shaken to its foundations, and British subjects were massacred by wholesale throughout the northern provinces of British India.

The question therefore is—ought the general policy of our Indian Government to be held responsible for these most deplorable events, or were they the result of causes for which British statesmen must be held blameless?

Now if, in our dealings with the subject and independent nations of India, our conduct was in accordance with the principles of justice and mercy, that mutiny cannot be charged against us. But if our rule was marked by unjust acts, perpetrated for the purpose of consolidating our power and extending our dominions; then it must be asked, whether it was not to these acts that the mutiny was owing?

Lord Hardinge succeeded Lord Ellenborough, and Lord Dalhousie Lord Hardinge.

Lord Dalhousie's reign lasted for eight years. It is the policy pursued during those eight years which it is here needful to examine. Of the great talent and commanding intellect of that distinguished man no one can doubt. The vigour and firmness which he displayed in carrying out the system which he adopted are worthy of admiration. The question, however, remains, was the system a good and wise one? If not, the intellectual vigour and the marvellous energy of its administrator could have only served to intensify its mischief.

Of its excellence Lord Dalhousie himself was entirely convinced when he quitted India. On his return home,

he composed a minute* 'for the purpose of recalling 'the political events which had occurred, and the 'measures which had been taken, and the *progress* 'which had been made during the course of his admi-'nistration.' He thought that 'the Honourable Court 'of Directors might derive from the retrospect some 'degree of satisfaction in the past, and a *still larger* '*measure of encouragement for the future.*' Then, having passed all his great measures in review, he concludes with a hope 'that the recital, although dry, 'would yet be thought by the Honourable Court, from 'the results which it exhibits, neither unprofitable nor 'disappointing.'

Within ten months of the date of this minute the mutiny of the Sepoys broke out!

Was that mutiny, or was it not, the natural result of Lord Dalhousie's system, and did he not mistake the calm which preceded the storm for an atmosphere permanently serene? Did not some great Indian statesmen foretell long before, as consequences of the system, the events which actually followed on its enforcement?

The main feature of that system may be described in a very few words. It was to damage and to discredit the native independent Princes, whether Hindoo or Mahometan, and to take every colourable opportunity for annexing their territories to the dominions of Great Britain.

'The Government,' said Lord Dalhousie, in the early part of his reign,† 'is bound in duty as well as policy 'to act on every such occasion with the purest integrity

* February 28, 1856. † April 1848.

'and the most scrupulous observance of good faith. 'When even a shadow of a doubt can be shown, the 'claim should be abandoned. But when *the right to* '*territory by lapse* is clear, the Government is bound to 'take that which is justly and legally its due, and to 'extend to that territory the benefits of our sovereignty, 'present and prospective.

'In like manner, while I would not seek to lay down 'any infallible rule with respect to adoption, I hold 'that on all occasions, when heirs natural shall fail, the 'territory should be made to lapse, and adoption should 'not be permitted excepting in those cases in which 'some strong political reason may render it expedient 'to depart from this general rule.

'There may be a conflict of opinion as to the advan- 'tage or propriety of extending our already vast posses- 'sions beyond their present limits. No man can more 'sincerely deprecate than I do any extension of the 'frontiers of our territory which can be avoided, or 'which may not be indispensably necessary from con- 'sideration of our own safety, and of the maintenance 'of the tranquillity of our provinces. But I cannot 'conceive it possible for anyone to dispute the policy 'of taking advantage of every just opportunity which 'presents itself, for consolidating the territories which 'already belong to us, by taking possession of States 'which may lapse in the midst of them—for thus getting 'rid of these petty intervening principalities, which may 'be made a means of annoyance, but which can never, 'I venture to think, be a source of strength for adding 'to the revenues of the public treasury—and for ex-

'tending the uniform application of our system of 'government to those whose best interests we sincerely 'believe will be promoted thereby.'*

Now the rights of adoption involved, in the belief of the Hindoos, all that was dear to them in this life, and their happiness or misery in another. Acting, however, on the general principles here laid down, Lord Dalhousie, 'with the purest integrity and the most scrupulous 'observance of good faith,' denied the rights of adoption to the Rajahs of Sattarah, Nagpore, Jhansi, Kerowlee, the Carnatic, and Tanjore, the Peishwah, and the too celebrated Nana Sahib, rajah of Bithore. Had he entertained 'a shadow of a doubt' that he was doing more than 'taking advantage of the just opportunities 'for getting rid of these petty intervening principalities, 'which may be made a source of annoyance, but never 'a source of strength for adding to the revenues of the 'public treasury,' we have his positive assurance that he would have 'abandoned our claims.'

* The following extract from a leading article in the 'Times' (Dec. 5, 1865) affords a curious commentary on this minute of Lord Dalhousie:—

After observing that England had 'no objection to the aggrandizement 'of the United States,' it proceeds: 'Of course the case is altered if the 'object is to be attained by fraud, force, or intimidation. In that case, 'not only is there actual wrong done upon our own loyal fellow-subjects 'in Canada, but there is also established a prescription, a policy, and a 'temper ruinous to the future peace and even progress of the world. 'History contains some very colossal instances of annexation by continual 'fraud and violence, *in fact by policies constructed with a special view to 'perpetual aggrandizement.* But the event yet condemns them—the 'moral sense is opposed to them: and *modern politics are mainly directed 'to prevent the recurrence of the evil.* . . . This is our English habit, our 'second nature, our historical teaching.' And then comes the explanation of all these strange and fanciful assertions, 'This is our EUROPEAN law.' That is, we have not tried, for a long series of years, to annex the territories of our immediate neighbours in this quarter of the globe.

Nevertheless, although the Governor-General was not troubled with doubts with respect to these numerous annexations, which Mr. Gladstone pleasantly describes as 'the provinces which the counsels of Providence 'have *already* assigned to us,'* there were many others, whose names are great in Indian history—for example, Henry Lawrence, George Clerk, and Sleeman—to whom this policy was extremely distasteful. Sir George Clerk, who was Governor of Bombay, looking at the case of Sattarah and the treaty of 1819, and seeing that the British Government agreed to cede in perpetual sovereignty to the Rajah of Sattarah, 'his heirs and successors,' the territories which he held, at once declared in favour of the native Rajah. And although the members of his council looked at the question as purely one of expediency, and considered it the duty of the British Government to decide it in the manner most advantageous to itself, the Governor, in language worthy of a true British statesman, refused to admit any secondary considerations, saying, 'If it be inconsistent with justice to refuse con-'firmation to the act of adoption, it is useless to 'inquire whether it is better for the interests of the 'people, or of the empire at large, to govern the 'Sattarah territories through the medium of a native 'Rajah or by means of our own administration.' Sir George was evidently well persuaded that a gain obtained through injustice will never ultimately prove beneficial to the interests of either the governors or the governed.

* Speech on Lord Mayor's day, 1865.

The frequency with which these 'just opportunities' occurred (eight in seven years) naturally excited alarm amongst all the independent princes, whether Mahometan or Hindoo, and it is not to be wondered at that the greater number of them thought their only hope of safety lay in the extinction of British rule in India.

But if the absorption of these smaller States created alarm, that alarm must have been very greatly increased by the annexation of Oude—the crowning step in the same direction, which marked the close of Lord Dalhousie's administration.

The justification put forth for this bold step was specially calculated to increase their alarm, and to make them feel that the same reasons which were assigned in that case, might at any moment be assigned as conclusive for similar action in their own.

It may be readily admitted that the kingdom of Oude was sadly misgoverned—that it had long been the sanctuary of every scoundrel, and that the vices and debauchery of its King have rarely been equalled—that life and property had little or no protection save that derived from inherent individual strength, whilst the officers of justice were perhaps the most formidable of the tyrants whose remorseless rapacity spread terror and misery around them. Further, it may be admitted that this lamentable state of things was mainly upheld by the countenance and protection afforded by the British to the heartless and degraded occupant of the throne.

It may therefore be truly said that it was both fitting and necessary to withdraw from the responsibility of helping to sustain so odious a tyranny.

There were two modes of doing this :—

One by the dethronement of the King, to be followed by annexation.

The other by simply ceasing to uphold, and leaving the King and his ministers to maintain, as they best could, the power which they abused.

In defence of the first course there was the argument, that it was for the interests and well-being of the subject masses of Oude that the corrupt and miserable Government should be wholly swept away.

Against it there was the violation of treaty, and the solemn agreement to respect the rights of the Sovereign, and the gratitude due for loans of money in time of need, and undeviating fidelity to British interests.

In favour of the second, there was fidelity to the obligations of treaty.

Against it, the probability that the country would be consigned to anarchy, when every man's hand would be against every man, and the condition of all made more wretched than before.

It was therefore at best but a choice of evils.

And if our Indian Government had come to the choice with clean hands, much might be said to excuse, though not to justify, the first course.

But if their hands were not clean—if, in several districts larger than Oude, the misgovernment and oppression of British rule were hardly less intolerable than any that distracted that kingdom—if, after a century of possession, British rulers had not succeeded in establishing any better system of government than the one which, assuming virtuous indignation, they were taking upon

themselves to put an end to in Oude, then the setting at nought of solemn treaties was a step which those who took it could not justify on the grounds which they assigned for it; and consequently they are exposed to the charge of breaking the plighted faith of their country for national profit and aggrandizement. The plea of humanity which they set up can only be considered as one resembling too much a hollow pretence.

How could the British Government undertake to do for Oude that which they had not been able to do; or at any rate what they had not done, for the countries so long under their sway?

Read the elaborate minute penned by Lord Dalhousie to justify this annexation of Oude—mark well the statistical statements of crime annually perpetrated in that country—and the reader must rise from its perusal with strong feelings of disgust and indignation, perhaps even with a still stronger feeling, that the dethronement of such a Sovereign and confiscation of his dominions were the only remedies which afforded a chance of relief.

Then, when he has arrived at this conclusion, let nim take another official document, the work of Mr. Halliday, the Lieutenant-Governor of Bengal—a minute on the police of that country.

Now Bengal is one of the richest and most fertile provinces in all India. Bengal has been longer directly under British dominion than any other of the vast territories which now constitute British India. English rule had lasted more than a century. Surely during that long period there must have been sufficient time

and opportunity to establish good government in that Presidency.

Yet, what do we find? Why, that the Lieutenant-Governor's report of the state of the country, as to the security of life and property, as to the atrocities of the police, and as to the prevalence of the most heinous crimes, is so frightful, that if the Governor-General's minute satisfied the conscience that the annexation of Oude to Bengal was not only a wise but a just measure, the minute of the Lieutenant-Governor is not less satisfactory in proving that the annexation of Bengal by the King of Oude would have been equally wise and just.

'The village police,' says the Lieutenant-Governor (Mar. 13, 1837), 'are in a permanent state of starvation; 'they are all thieves and robbers, insomuch that when 'anyone is robbed in a village it is most probable that 'the first person suspected will be the village watch-'man: it is even a question whether an order issued 'throughout the country to apprehend and confine 'them would not do more to put a stop to theft and 'robbery than any other measure which could be 'adopted. The administration of justice is little better 'than a lottery.'

Again: 'In dealing with the subjects of Indian law 'and police,' says one* who well knows his subject, 'you 'are obliged to indulge either in cursing or laughter. 'The tyranny is so unrestrained, the illegality so out-'rageous, as to be really comic. Neither are matched by 'any species of rule under the sun.' So much for Bengal.

* *The Sepoy Revolt*, by Henry Mead, p. 253.

Next inquire into the condition of the millions of human beings who inhabit the territories which constitute the Presidency of Madras. Madras has long been under British rule. Had we contrived during that long period to establish within its precincts something like good government?

Read on the subject the report of the Parliamentary commission, of which the following is a sample:—'The police establishment has become the bane and 'pest of society, the terror of the community, and the 'origin of half the misery and discontent that exist 'amongst the subjects of the Government. Corruption 'and bribery reign paramount throughout the whole 'establishment. Violence, torture, and cruelty are the 'chief instruments for detecting crime, implicating 'innocence, or extorting money.'

Such is the official description of the Madras Presidency under British rule, so far as regards the administration of justice. What was its social condition in other respects? Why, there, as well as in other parts of India, the ancient nobility and large landholders had been well nigh extinguished. It had been the systematic policy—a policy approved by some great names—to destroy all those classes which intervened between the great masses of the people and the British Government; it had been carried out by two processes, too well known to the native nobility and gentry, called settlement and resumption. The revenue department mainly did the work of extermination; but where that department failed, the judicial department stepped in as a useful assistant. 'Many of the old landed

'proprietors were stripped to the skin,' says Kaye, 'by 'the decrees of our civil courts.'* This was called the 'levelling system,' and though not originated by Lord Dalhousie, was confirmed by him in our older provinces, and extended to those which he had himself acquired. But this system, though founded on that plausible maxim, good in theory, but truly disappointing in practice, the greatest happiness of the greatest number, seems singularly to have failed in Madras in producing happiness for the many. If, by destroying the prosperity of the higher and middle classes, the happiness of all below them had been secured, something might be said in favour of the generally benevolent intentions of those who thus acted. But what is the condition of the millions of peasant ryots in Madras, now that they have no superiors save the official agents of the British Government? All testimony goes to prove that they drag out their miserable existence on the smallest pittance which will enable them to preserve the lives of themselves and families, whilst out of millions and millions of acres, not above twenty per cent. of the whole area of the Presidency is cultivated. Indigo, sugar, cotton, oil-seeds, and coffee grow to perfection—for every pound of produce there are eager buyers—and if the whole area were cultivated, no portion of the produce would be left unsold, yet the richest tracts lie waste. The Honourable John Peter Grant, a member of the Supreme Government of India, explains the reason:—'There are no such contentions

* *Sepoy War*, p. 174.

'and affrays about land in Madras as are justly com-
'plained of here [Bengal]. But this is not due to a
'good police and judicial administration, a survey and
'registration, or the absence of a zemindary system in
'the greater part of that Presidency: it is due to the
'fact that in most Madras districts *land is valueless by*
'*reason of the revenue system there in force*; the conten-
'tions there being—when a ryot is forced, not to give
'up, but to take land.'

Such is the normal condition of this great Presidency as described by a member of the Supreme Government. Added to this are the sad tales revealed by the Madras Torture Commission. It is to be devoutly hoped that the facts recorded in that report were wholly unknown to any British functionary; but it is quite evident that the use of torture to extract money from the wretched inhabitants had endured so long that the practice was *not abnormal*; it had become, as it were, incorporated with the system of British administration.

It would not be difficult to fill volumes with stories of cruelties and oppressions perpetrated in our other long-conquered provinces, such as throw into the shade all the deeds done in Naples by King Bomba, which some years since Mr. Gladstone so indignantly and eloquently denounced. But even in the newly acquired territories of the Sikhs, a deputy commissioner (an Englishman) in the Loodianah districts, employed native agents of such vile characters, that torture by them was so common, that its application by men having no authority to make arrests disturbed the nightly sleep of quiet inhabitants, whilst redress was so hopeless that the

people never complained to the commissioner on the subject.

Such are samples of the results of British rule in India; such are samples of the atrocious outrages perpetrated on the unoffending inhabitants of countries under British sway, by servants of that very Government which annexed Oude; and if deeds of torture were done in the recently conquered country of the warlike Sikhs, what may not be reasonably assumed with regard to the treatment of the cowardly Bengalee, and the down-trodden peasantry of Madras?*

It is not, however, meant to assert that facts of an opposite nature to these may not be cited to prove that benefits have been derived by the Indian populations from the effects of British dominion. The deeds of darkness which polluted Madras and Loodianah were, it is to be devoutly hoped, the exception, and not the rule, over the whole empire. The British Government in England, when these deeds came to their knowledge, took stringent measures to prevent their repetition. But what excuses can be made for the state of society in Bengal, where the police had long been known to the Government as robbers and dacoits? or how can be justified the deplorable condition of the Madras Presidency, confessed by those in authority to be the result of 'the revenue system there in force?'

With facts such as these staring them in the face, the British Government was not in a position (the measure was approved by the East India Directors and

* *The Sepoy Revolt*, by Henry Mead, p. 266.

the Cabinet) deliberately to break through the solemn obligations of treaties, on pleas such as were put forth for the annexation of Oude. *Quis tulerit Gracchos de seditione querentes?* It was indeed to behold the 'mote 'in our brother's eye without considering the beam 'which was in our own.'

Against the policy of annexation there were not wanting those who protested. They had the sagacity to perceive its dangerous tendencies. So early as September 1848, Colonel Sleeman thus wrote to Lord Dalhousie:—'I took the liberty to mention to your 'Lordship my fears that the system of annexing and 'absorbing native States, so popular with our Indian 'Services, and so advocated by a certain class of writers 'in public journals, might some day render us too 'visibly dependent on our native army: that they 'might see it, and that *accidents* might occur to unite 'them, or too great a portion of them, in some desperate 'act.'

But the worst part of the whole transaction, and which damaged the British name more than all the rest, was that the annexation was made 'a source of 'strength for adding to the resources of the public 'treasury.'

'Assume,' said Col. Sleeman, 'the administration of 'the country, but do not grasp at its revenues.' Sir Henry Lawrence gave the same advice. 'The measure 'itself,' says Kaye, 'made a very bad impression on the 'minds of the people of India—not because of the depo-'sition of a King who had abused his powers—not be-'cause of the introduction of a new system of administra-

'tion for the benefit of the people—but because the 'humanity of the act was soiled by the profit we derived 'from it. To the comprehension of the multitude it 'appeared that the good of the people which we had 'vaunted, whilst serving ourselves, was nothing more 'than a pretext and a sham; and that we had simply 'extinguished one of the few remaining Mahometan 'States of India, that we might add so many square 'miles to our territory, and so many millions of rupees 'to the revenues of our empire. And who, it was 'asked, could be safe, if we thus treated one who had 'been the most faithful of our allies?'

The annexation of Oude, from its size and importance, was the most signal example of the mode in which the avowed standing policy of annexation of the Governor-General was carried out. It filled all the independent or semi-independent Princes of India, whether Mahometan or Hindoo, with dismay. They saw that on treaties with us they could not rely, and that they had no security whatever against overwhelming force. Every act of the British Government was consequently looked upon with suspicion, and was mistrusted as being only a prelude to serve as an excuse for deposition and annexation.

It was not that treaties had never been before violated by the Supreme Government, and that annexations unjustifiable, on righteous principles, had not occurred before. But these were all defended on the ground of dealing 'with the peculiar circumstances of each par-'ticular case,' and each Ruler fondly hoped that the 'peculiar circumstances of his case' might save him

from ruin. But Lord Dalhousie's terrible words—'When 'the right to territory by lapse is clear, the British 'Government is bound to take that which is justly and 'legally its due,' and when no right of lapse had occurred in Oude, and yet Oude was annexed, a panic terror seized the hearts of all. Then, for the first time, did the full significance and the necessary consequences of the denial of the rights of adoption disclose itself to the native mind.

Those precious rights, in their view, involve not merely their interests in this world, but their happiness in the next. The Hindoos believe that if certain rites and ceremonies are not performed at their death by their son, they are miserable for ever in a future life; and if, perchance, they have no son, then their religion and their laws constrain them to adopt one, who is in all respects in the same position towards them as if he were actually a son, and the rites and ceremonies which he performs are equally efficacious. Now Great Britain was bound by no less than two hundred treaties with the Princes of India to recognise and respect this right of adoption. When, therefore, these rights were thus disregarded and violated, it was really equivalent to a violation of all.

The policy of denying these rights of adoption was opposed by those well acquainted with India. Mr. Tucker, an East India Director, in the case of Sattarah observed: 'We are called upon to decide upon a claim of 'right, and I have always felt that our best policy is that 'which adheres most closely to the dictates of justice.'

Mr. Shepherd, another Director, says: 'We ought

'not to forget that during the rise and progress of our 'empire in the East our Government have continued 'to announce and proclaim to the people of India, that 'not only should all their rights and privileges which 'existed under preceding Governments be preserved 'and maintained, but that their laws, habits, customs, 'and prejudices should be respected.'

The denial of these cherished rights affected the jagheerdars, or large landed proprietors, equally with the princes of India.

These proceedings were of course regarded as an attack on the faith of the Hindoos—they were looked upon by them as a deep design, through the destruction of their religion, to create pretences for annexing the dominions of the one and for getting hold of the property of the other.

But whatever opinions may be entertained of this policy—whether it be approved as a just and a wise one, or whether it be condemned as unjust and dangerous—there can be no question but that it was carried out, in the case of Oude, with reckless imprudence. 'The native soldier,' said the 'Englishman,' Nov. 2, 1838, 'has long been in the habit of placing 'implicit reliance on British faith and honour; but let 'the charm once be broken, *let the confiscation of rent-'free land spread to those provinces out of which our 'army is recruited*, and the consequence may be that 'we shall very soon have to trust for our security to 'British troops alone.'

Now the ranks of our native army were largely recruited from the men of Oude known as the Rohillas.

These men lived in families, on estates for the most part too small to maintain them all, and over these lands all the brothers had equal rights. They were generally too much attached to their property to part with their interest in it, so that it was the common practice for one or more of them to seek a livelihood in the armies of the Company, and to leave their brothers at home to cultivate their common estate. Then, when after a certain number of years' service they had saved some considerable amount of wages, and could retire with a pension, they would return to pass the rest of their lives on the family property.

Into the districts where this property was chiefly situated agents were sent to survey the land, and to inquire into the *titles* of those who held it. This step caused great alarm in the minds of our Sepoys, whose interests it was the duty, and ought to have been the policy, of the Supreme Government to identify as much as possible with their own.

But not to the Rohilla soldiers alone of our native army (who at that time were supposed to number 40,000 men) were these surveyors formidable. They were equally formidable to the army of the dethroned King of Oude, amounting to 60,000 men, as well as to those armed men employed by the nobility and zemindars, who were quite as numerous. All these men lived by the musket and the bayonet. They reckoned themselves the aristocracy of the land and the actual lords of the soil. Their country was in a state of chronic warfare. Of the 60,000 of the King's forces we took into our service only 12,000 regulars and 500 artillerymen—the

rest, with arms in their hands, were sent adrift to seek their fortunes as they could; 246 forts were left standing, with 436 guns and 8,000 gunners to work them.* "Such being the state of affairs, we took upon ourselves to introduce new laws, and to lay down new rules of taxation; and having sold off the King's horses, elephants, and other effects, the Supreme Government left part only of a single European regiment and two companies of artillery to preserve order in a country in so wild a state.

Besides all these specially disturbing influences on the minds of the inhabitants of India, the whole continent of Asia, from the shores of the Bosporus to those of the Yellow Sea, was in a state of ferment and dismay at the warlike doings of the British nation. Within the short period of ten years the British flag had waved in hostile array—in the Russian provinces bordering on Asia—in Persia—in Affghanistan—in Burmah, and in China; and one and all of these great empires had suffered defeats from our arms. An undefined dread of what we intended, and what we might actually accomplish, had taken possession of the Asiatic mind. In that vast continent the British forces seemed ubiquitous to the suspicious and affrighted natives; they feared that we were equally hostile to the religions of Mahomet and of Brahma—that we should be content with nothing short of universal conversion to Christianity—and that, either by force or by subtlety, the religions of Asia were to be extinguished.

* Mead's *Sepoy Revolt*, p. 38.

For once in the history of India, Mahometans and Hindoos were united in a common cause.

All was thus prepared for an explosion. Little did the inventors of the Enfield rifle imagine, when they first produced that formidable weapon, that the invention, with its consequences, would help to produce the awful mutiny which for so long threatened the very existence of British power in India. But so it was. The new weapon, when placed in the hands of the soldiers of the native army, had to be loaded in a way different from that to which they had been so long accustomed. A new kind of cartridge was dealt out to them, which they were instructed to bite—the cartridge paper was greased. It was given out by a classie in the arsenal at Calcutta that it was greased with the mingled fat of cows and pigs—the cow's grease for the Hindoos, the pig's grease for the Mahometans. The lips barely touching such a composition was pollution to the Mahometan, loss of caste to the Hindoo—it consigned him to the lowest degradation in this life, and endless misery in the next.

It was the injudicious enforcement of this order which set fire to the train. This was the 'accident,' predicted by Sleeman, which united them—or rather, 'too great a portion of them—in a desperate act.' Moreover, by the system of withdrawing officers from their regiments for the purpose of employment in the Civil Service, and thereby leaving the regiments very inadequately supplied, the discipline of our native army had been seriously compromised. Within the short space of six weeks the whole of that army

uprose in mutiny, from the Hooghly to the Sutlej, and the 'Great Mogul' was once more seated on the throne of Delhi.

It is foreign to the purpose of this work to enter into any details of the oft-told tale of this great Indian mutiny. Whether, if there had been more vigour shown at the outset, it might have been nipped in the bud; whether Lord Canning, newly arrived in India, did or did not fall into great errors when he first had to deal with the outbreak; whether we dealt with the natives more mercifully than in the outbreak of 1862 the Russians dealt with the Poles; whether Russia has or has not equal claims to Polish allegiance which Great Britain has to Indian allegiance, are points on which no opinions need here be given.

There can, however, be no question but that the calm self-reliance and courage with which Lord Canning braved the storm, when it was at its height, essentially contributed to the successful issue of the struggle. Had he quailed, his subordinates would have quailed also; but all left his presence inspired with hopeful confidence in the results, and nerved to the performance of the stern duties which were imposed upon them.

That the high hand with which the mutiny was quelled has resulted in again giving Great Britain a firm hold on her Indian dominions, seems at present most probable. God grant that hereafter those dominions may be ruled on a very different system to that which prevailed previously to this disastrous mutiny. Whatever may be said in defence of that system, it

cannot be defended on the ground that it was based on the principles of mercy and justice towards our Indian fellow-subjects, or on those of international law towards the native independent or semi-independent States. *That* being the case, Great Britain has a vast work to do to redeem her character in British India in the eyes of the civilised world.

'We doubt,' says Macaulay, an historian whose vast stores of memory have never been surpassed, 'whether 'it be possible to mention a State which has upon the 'whole been a gainer by a breach of public faith.'

CHAPTER IV.

CHINA—LORD NAPIER—OPIUM—HOSTILITIES—TREATY OF NANKIN.

THE empire of China comprehended, during the first forty years of this century, some of the most cultivated portions of the earth, and a population numbering one-third of the human race. Order, civilisation, and obedience to the laws prevailed generally throughout the land. The government of the Emperor at Pekin was recognised, and submitted to, in districts the most remote from its seat, as well as in those nearest to it; and, as the natural consequences, a highly cultivated country and a great accumulation of wealth prevailed, for the most part, throughout his vast dominions. To deny that, amongst 350,000,000 of people, much of misery, much of oppression, much of carelessness of human life did not exist, would be tantamount to a denial that they were human beings. But that a greater proportion of these evils prevailed in China than prevail in all other countries in the world, compared with the extent of territory and the denseness of the population, there is no evidence to establish; whilst the testimony of almost every traveller who has penetrated into the interior, and who has freely lived amongst them, bears witness to their 'being our equals, and in

'some respects our superiors, in the refinements of life, 'in courtesy, humanity, and domestic affection.'

This is the more remarkable as they are not Christians; and although they worshipped idols, there is no ground for believing that this worship involved any obscene or cruel rites. They were unpractised in the arts of modern warfare; and their mode of fighting, such as it was, was grotesque.

They looked upon the outer nations of the world, not excepting Europeans, as inferior and barbarous races; and they imposed very stringent restrictions on all intercourse with foreigners, of whom they were much afraid and extremely jealous. That these restrictions were not unreasonable has been demonstrated by the results of an enlarged intercourse during the two decades of this century which immediately succeeded the first four.

With this vast community Great Britain had for nearly two centuries carried on a peaceful and highly lucrative trade. Until 1834 it was carried on by the East India Company, who held a monopoly of it. When the Company's charter was renewed in 1834, this monopoly was abolished, and the commerce was thrown open to all British subjects.

Our relations with China were then withdrawn from the control of the East India Company, and placed under that of the Foreign Office—Lord Palmerston being at that time Foreign Secretary.

When this alteration was made in the mode of carrying on our intercourse with China, the Government appointed certain individuals as 'Superintendents

'of the trade of British subjects in China.' Their duties were set forth in instructions under the sign-manual of the King. They were 'to protect British 'trade;' they were to try to 'extend it.' They were to eschew 'all intemperate or menacing language.' They were to avoid all 'conduct and demeanour' likely to excite 'jealousy and distrust.' They were 'constantly 'to impress, as occasion might offer, upon British 'subjects resident in or resorting to China, the duty of 'conforming to the laws and usages of the Chinese 'empire, so long as such laws shall be administered 'towards them with justice and good faith, and in the 'same manner in which the same are or shall be 'administered towards the subjects of China and towards 'the subjects of other foreign States resident in China.' They were to report to the Foreign Secretary, sending duplicates of their despatches to the Governor-General of India.

Lord Palmerston supplemented these instructions to the Chief Superintendent (Lord Napier) by further instructions on some particular points (Jan. 25, 1834). By these further instructions Lord Napier was directed 'to announce his arrival at Canton by letter to the 'Viceroy.'

Now the Chief Superintendent could not comply with these directions without violating the laws and usages of the Chinese empire, to which, according to the instructions under the sign-manual, he was bound to conform. It was forbidden to foreigners to communicate direct with the Viceroy: the legal method of communication being through the body known by the

name of the Hong merchants. Whether such a mode of intercourse was or was not consistent with the dignity of so high an officer as the Chief Superintendent, is beside the question, and it might have been a very fitting matter for future remonstrance or negotiation; but in the first instance it seems obvious, that before any privileges could be claimed and pressed as due to the dignity of the British official, it was necessary to prove, according to the legal forms, that he was really the person whom he represented himself to be. The course which Lord Napier was directed to pursue was, as if an envoy from a foreign State were to send his credentials direct to the Sovereign, instead of through the accustomed channel of the Secretary of State.

Now, whether this instruction proceeded from inadvertence or design, it may be difficult to determine. On the one hand, if it were from inadvertence, it was a curious inadvertency for a British Foreign Secretary, constantly accustomed to the practice of similar ceremonial observances, to fall into. On the other, knowing as he must have done that he was giving the Chief Superintendent directions to disregard the laws and usages of China, it is singular that he should have, as it were in one and the same breath, given instructions so directly opposed to each other.

In another part of the additional instructions some light perhaps is thrown upon this enigma. Lord Palmerston probably had already conceived the idea of opening up to British adventure the whole internal commerce of China, by causing local collisions between the Chinese and the British, which might grow into

Imperial warfare. That something of this sort was passing in his mind, seems more than probable from Lord Napier, a post captain in the navy, being directed to 'inquire whether there be any and what places at 'which ships might find requisite protection in the *event* 'of hostilities in the Chinese seas.' What more likely to bring about such an '*event*' than, at the very outset of the intercourse between the new functionary and the authorities at Canton, for him to attempt to set aside the laws and usages of the Chinese empire?

The result of the direction so to do could hardly have been otherwise than what it was; for as soon as ever Lord Napier arrived at Canton the altercations began. He landed at Canton without permission, in the middle of the night, and announced his arrival by letter to the Viceroy. The Viceroy refused to receive it, except through the regular channel. 'Whether Lord 'Napier be an officer or a merchant,' said the Viceroy, 'there are no means of ascertaining. But, having come 'for affairs of commerce to the Celestial Empire, it is 'incumbent on him to obey and to keep the laws and 'statutes. It is an old saying,' he adds, 'When you 'enter a frontier, inquire respecting the prohibitions: 'when you enter a country, inquire into its customs.'

Lord Napier, however, still persisted, in obedience to his instructions, in demanding direct communication with the Viceroy, who at last ordered all intercourse to be suspended until the questions which the Chief Superintendent had raised were settled. This suspension continued for some weeks, until the complaints of the merchants on account of the stagnation of trade

determined Lord Napier to act. Accordingly he first threatened the Viceroy with hostilities, assuring him that 'we were perfectly prepared.' Hostilities therefore had been so far contemplated that preparations must have been made for carrying them on. This threat being disregarded, he then ordered two frigates to force their way to Whampoa. This was done accordingly, and having silenced, in passing, the Bogue forts (with loss of life on both sides), a guard of marines was landed at Canton.

Here, then, was an actual hostile aggression on the part of this country, made by 'the Chief Superintendent of the trade of British subjects in China,' simply because the Chinese authorities refused at his dictation to suspend 'the laws and usages' of China, to which Lord Napier's Sovereign had directed him to confom.

These deeds of violence, however, were unavailing. The Chinese authorities triumphed. Lord Napier became a prisoner in their hands, and he was at last released by the Viceroy, on the urgent representations of his medical adviser, and on the interference of a Hong merchant; only, however, to retire to Macao—to die.

But before his death he had written bitter complaints both to Lord Palmerston and Lord Grey (then Premier), against the Foreign Office, for the perplexities in which he had been involved by the contradictory character of his double instructions. Of these complaints Lord Palmerston took no notice: nor were they noticed by the Foreign Office in any way, until in 1835 the Duke of Wellington acknowledged their receipt (during his temporary occupation of that office), calling at the same

time Lord Napier's attention to Lord Palmerston's instructions, but more particularly to those articles in the sign-manual instructions which inculcated conformity to Chinese laws and usages. His Grace added these memorable words: 'It is not by force and violence 'that Her Majesty intends to establish a commercial 'intercourse in China, but by the other conciliatory 'means so strongly inculcated in all the instructions 'you have received.' When the Duke wrote these words—which, it appears, he did in haste, to catch a ship just departing—he evidently only remembered the *general* effect of the instructions, which, ostensibly, were as he described them. For in a memorandum which he left behind him when, shortly after, he left the Foreign Office, he recorded it as his opinion that 'it was 'quite obvious the attempt made to force upon the 'Chinese authorities at Canton an unaccustomed mode 'of communication with an authority, with whose 'powers and of whose nation they had no knowledge '—which began its proceedings by an assumption of 'power hitherto unadmitted, had completely failed; 'and it is obvious that such an attempt must invariably 'fail, and lead again to national disgrace: and as it 'appears that as soon as Lord Napier had withdrawn 'from Canton to Macao the trade had been opened, 'the time is come for the Cabinet to consider the 'means of managing the intercourse in future.'

'It is quite obvious,' he added, 'that the pretext for 'jealousy of Lord Napier was his high-sounding titles '—the reality was his pretension to fix himself at 'Canton without previous permission, or even com-

'munication, and that he should communicate directly 'with the Viceroy. It does not much signify, as far as 'the Chinese are concerned, what we call an officer in 'our language. But he must not go to Canton with-'out their permission. He must not depart from the 'accustomed mode of communication.'

After Lord Napier's death (October 1834) the trade, having been resumed as usual, was carried on with reciprocal good-will for nearly two years, under the guidance of Sir George Robinson, whom, in December 1836, Lord Palmerston superseded, appointing Captain Elliot, R.N. to the post of Chief Superintendent. This appointment was the signal for the renewal of altercations with the Chinese authorities at Canton—pretentions on the part of the Chief Superintendent which were not admitted by the Chinese, and which ended in the submission of that officer. Apparently, however, the Foreign Secretary was only biding his time, and waiting for the inevitable crisis which thus arose.

The revenue of the British Government in India had for a considerable period very largely depended on opium, which was regularly cultivated by the Government for the purposes of exportation. The greater part, if not the whole, was sent to China, where each year vast numbers of the Chinese were fascinated by its too delightful but enervating and deadly effects. This traffic had been carried on for a long period, in despite of the laws prohibiting its introduction, and not only merchants but even mandarins had been active in introducing it. During the monopoly by the East India Company of the China trade, the supercargoes at

Canton had power to impose complete restrictions on British smugglers of opium; for if they did not comply with the directions of the supercargoes, their license was withdrawn, and they themselves were sent away.

But when the trade was thrown open to all British subjects, the supercargoes ceased to exist, and in their place were sent the superintendents of the trade of British subjects in China; but, whether by accident or design, these officials were left without any real power to control the trade which they were sent to superintend. The natural consequences of this state of things ensued. The opium trade increased with fearful rapidity, till nearly the whole of the foreign community at Canton had become participators in it. The evil was rapidly spreading in all parts of the empire, and the use of the drug was 'tending to the destruction of the 'constitutions and faculties of hundreds of thousands 'of people.'*

The Emperor and his advisers began to feel seriously alarmed at the ever-growing mischief, and effort after effort was made by the Government to extirpate the traffic. The superintendents clearly foresaw to what pass things were drifting, and that unless some measures were taken to put a stop to the commerce, a collision between the British and Chinese was, sooner or later, inevitable.

Now there were two ways of extinguishing this commerce, both of which were in the power of the British Government: (1) to forbid the Indian Government to

* Sir Stephen Lushington, House of Commons, April 9, 1840.

cultivate the drug—(2) to give authority to the superintendents to seize and confiscate all vessels laden with opium.

The first was the easiest, the most effectual, and the most in conformity with Christian duty—for no right-thinking man can imagine that it is consistent with a due regard to the most sacred obligations that subsist between nation and nation, and between man and man, that a State should foster and encourage, for its own pecuniary advantage, a trade which inflicts misery and ruin on countless subjects of another State.

The second, in the opinion of the superintendents, might have been made perfectly effectual.

Accordingly, in all their despatches to the Foreign Office, they represented the extreme difficulties in which they were placed, and implored for instructions how they were to act.

Lord Palmerston, however, sent them none. When, in the course of his correspondence, he slightly adverted to the subject, his observations only tended to confuse.

It is perhaps not to be wondered at that Lord Palmerston thus acted. His position was a difficult one. To employ British agents in China to seize and to confiscate the commercial produce of the British Government in India, which brought into the coffers of the State nearly one quarter of the whole revenue, would surely have been, to say the least, most absurd and inconsistent conduct—at once unjust and hypocritical. A committee of the House of Commons, in 1832, had declared it 'inexpedient to relinquish the 'revenue arising from the cultivation of opium to be

'sent to China:' and *inexpedient* it certainly would have been, inasmuch as thereby a large deficit would have been created in that revenue. Lord Palmerston therefore preferred not meddling in these delicate matters. He remained passive, and evidently considered that he could not fairly be called to account for doing nothing.

A man of a different temperament, more scrupulous, and with a stronger sense of the responsibility attaching to him for the well-doing of affairs entrusted to his management, would have acted differently. Foreseeing, as every man must have foreseen in his position, the inevitable crisis, he would have called on Parliament for a decision, and he would have recommended to the Legislature to get rid of the dilemma at all costs, by prohibiting the continued cultivation of opium by the Indian Government.

But, judging of the views of the Foreign Secretary by his views on other similar questions, it seems but too probable that he regarded a quarrel with China rather with satisfaction than with dismay. He probably thought that to give the boastful and too arrogant Chinese a 'good thrashing'—to teach them that terrestrial 'barbarians' on the opposite side of the globe could really do, with very little effort, pretty much what they pleased with the vapouring celestials on the other, would be no bad stroke of policy, and would eventually open up to British adventure the seas and rivers of China, with their vast population and enormous wealth. So he left the superintendents in their puzzle, allowed things to go by default, and the crisis came.

The port of Canton was filled with chests of opium; the mischiefs arising from its use had become intolerable. The Government at Pekin exhibited just moderation in the measures which it adopted: by serious warnings—by constant confiscation of opium found in the possession of natives—by the unexampled step of executing a native, close by the British factory, for being concerned in the trade, it sought to prove the sincerity of its endeavours to crush the illegal traffic. That it had as perfect a right to put an end to it as the British Government has to put down, if possible, any contraband trade on its own coasts, is not disputed: but the superintendents of British trade had no powers, and day by day the smuggling increased.

At last the Supreme Government at Pekin sent down a mandarin of very high rank, High Commissioner Lin, with orders at all hazards to stop the trade. He accordingly required of Captain Elliot that all the opium in the port of Canton should be delivered up to the authorities. The Captain pleaded the truth, viz. that he had no power. Lin probably imagined that if Captain Elliot's own Government had omitted to confer on their agent the required powers, the best course for him to adopt would be for him to confer those powers on himself. Accordingly he surrounded the factory with troops, and kept the Captain with 200 of the principal merchants in close confinement. Their position was critical: it was said they trembled for their lives. Lin's bold deed, however, produced the effect which he intended. Captain Elliot assumed the power which legally he had not, and ordered all the opium chests to be surrendered.

He did so with too little consideration; for he caused many more to be given up than Lin had required. Captain Elliot and his fellow-prisoners were then released. The captain then issued a public notice to British subjects at Canton to quit the city, and they accordingly retired to Macao. A series of petty hostilities ensued, and the Chinese authorities did, as was naturally to be expected, far more than they had any right to do. But we had goaded them to madness—and, like a Spanish bull-fight, having unfurled and waved the red flag in their faces, when they turned to gore we claimed the right to kill.

Whether the Chinese did or did not give sufficient provocation by their feeble and impotent attacks on British shipping, and their incarceration of the Chief Superintendent and the 200 merchants, to justify war, is a disputed and doubtful point; but the British Cabinet do not appear to have so considered it. Lord Palmerston must have long before received an affirmative answer to the inquiry which in his very first instructions he desired Lord Napier to make. He must have been told that there 'were many places at which ships 'might find requisite protection, in the event of hos-'tilities in the Chinese seas;' and being at ease on that point, he did not throw away the opportunity which the policy which he had pursued for so many years had at last placed within his reach. Accordingly a powerful armament was despatched from England, which in due course arrived in the Chinese seas; but before relating what it did there, it will be well to cite some few of the opinions which were expressed in

Parliament on the proceedings thus far of the British Government.

Sir James Graham brought forward (April 7, 1840) a resolution condemnatory of those proceedings. The debate lasted four nights.

The main charge of the speakers in opposition was, that the course pursued by the British Government in 'leaving, in spite of the most frequent and urgent re-'monstrances, the Chief Superintendent not only wholly 'without instructions, but wholly without power to deal 'with the opium trade, was specially calculated to 'lead to those results which actually did follow, viz. a 'collision with the Chinese authorities, to be followed 'up by war.'* That Lord Palmerston and his colleagues could not deny the truth of this accusation, is evident from the facts; but it is somewhat curious, and not very creditable to the House of Commons of that day, that both parties combined to keep the real reason out of sight, viz. that it was absurd, hypocritical, and inconsistent to employ British agents in China to confiscate merchandise which was produced and sent to the Chinese markets by the representatives of the British Government in India. In such a state of things, the course pursued by Lord Palmerston in leaving the superintendent without instructions and without power was excusable to a certain extent; but where his Lordship was blameable, was in tolerating the continued existence of such a state of things. Doubtless the difficulty of the Indian revenue was great, and that had

* Sir W. Follett.

he tried he might not have overcome it; at any rate he ought to have tried: but it is evident he had no desire to overcome it. 'Collision with the Chinese authorities, 'to be followed by war,' seemed with him a desirable result. The readiness which was shown to profit by the occasion of offence—the alacrity with which the expedition was despatched—the orders which must have been given to the commanders, betrayed beyond a doubt the secret bias of the author of the expedition. The Chinese officials, it was said, had long treated with great annoyance and caprice the British residents at Canton. Sometimes the trade was stopped on frivolous pretences, and there is no denying that their self-conceit led them to treat foreigners in a very aggravating way. To convince these people how immeasurably inferior they were in real power to those on whom they looked down so contemptuously, would be as much for their advantage as for ours, and to give them a gentle chastisement would be beneficial to all parties. Such, in point of fact, was the recorded reasoning of some of the most influential merchants of the United Kingdom.

But before these views could be acted upon with justice, it was essential that some serious offence should be given, and that of no ordinary degree. By the cultivation of opium in India for consumption in China, we were setting at nought, according to Sir Stephen Lushington, 'the most sacred obligations that subsisted 'between nation and nation, and between man and 'man.' The Chinese, therefore, had a standing right of war against this country. Great Britain, as a nation,

was living in a chronic state of aggression against China. Was it, then, befitting the British Government to be extreme to mark what they did amiss; and because they resented too violently these standing aggressions, had we a right to levy war upon them?

The opinions on this point were divided. Sir James Graham thought we had no right; but it was Mr. Gladstone who put forth all his eloquence in denouncing in unmeasured terms those who had thus committed this country to a war with China. He charged Lord Palmerston with 'bringing down a collection of extracts carefully culled from the documents which had since been laid before the House, in which there was no information as to the state of the opium trade, or as to the determination of the Chinese Government to put it down.'

He condemned the hypocrisy of our pretexts, and asserted the 'sincerity, the moral right, and the laudable efforts of the Chinese authorities to put down the opium trade.' He averred that 'a war more unjust in its origin, and more calculated to cover this country with permanent disgrace, he did not know and he had never read of;' and then followed that celebrated burst, which was so highly creditable to the man who uttered it.

'Last night,' he said, 'an honourable gentleman spoke of the British flag waving in glory at Canton, and of the animating effects which have been produced on the minds of our sailors—that in no country under heaven was it permitted to be insulted. All know the animating effects produced on the minds of

'British subjects on many occasions when that flag has 'been unfurled in the battle-field, but how comes it 'to pass that the sight of that flag always raises the 'spirit of Englishmen? It is because it has been asso- 'ciated with the cause of justice, with opposition to 'oppression, with respect for national rights, with 'honourable commercial enterprise: but now, under 'the auspices of the noble Lord (Palmerston), that flag 'is hoisted to protect an infamous contraband traffic; 'and if it were never to be hoisted except as it is now 'hoisted on the coast of China, we should recoil from 'its sight with horror, and should never again feel our 'hearts thrill with emotion when it floats proudly and 'magnificently on the breeze.'

Sir Robert Peel, whilst strongly blaming the Government, and 'praying to God to avert from us the 'calamities which, from the neglect and the incapacity 'of our rulers, we should most righteously deserve,' did not denounce so strongly as Mr. Gladstone the injustice of the war; he went the length of admitting that 'war, if engaged in, must be conducted with 'vigour, but,' he added, 'for God's sake, if we were 'going to enter into hostilities with an unwarlike 'nation amounting to 350,000,000, let it not be in a 'revengeful spirit,'—and then adapting his arguments to the feelings of his audience, reminded them that 'every blow we struck in the contest would recoil on 'ourselves. We could ravage no place in China 'without in some degree injuring some manufacture 'at home. Do not forget,' he said, 'the peculiar 'character of the people with whom you have to deal,

'and so temper your measures that as little evil as 'possible may remain.'

Sir Stephen Lushington, a great authority on international law, did not hesitate to admit 'that the Chinese 'had a right to say, If you persist in your endeavours 'to carry on the opium trade which we have prohibited, 'we will exclude you from all other trade; and after 'due warning they had a right to seize and to punish, '*according to their own law*, every British subject in the 'act of carrying on that trade.' They therefore had a right to put British opium smugglers to death, for that was the penalty awarded for the offence by the laws of China. They never, however, carried these rights to extremities; for had they done as this eminent judge affirmed they had a right to do, full three quarters of the number of British merchants at Canton might have been justly executed. Sir Stephen, however, was on the side of the Government, to whom he intended to give his vote; so he had to justify his vote, which he did by saying that the 'trade had gone on so long, it was 'impossible to know whether they were in earnest or 'not.' How the Chinese could prove their earnestness more effectually than they did, by remonstrances, by confiscating the opium in the hands of natives, and, as a last resource to prove their determination, taking the unusual step of executing a native for opium-smuggling close by the walls of the British factory, it is difficult to divine, and Sir Stephen does not attempt to point out any more effectual way for their showing that they were in earnest than that which they had adopted; but though he arrives at the conclusion 'that the conduct 'of the Chinese in imprisoning the Chief Superinten-

'dent and the 200 factory merchants, and threatening 'their lives by starvation, was ample justification for 'the course which the Government had taken; and 'when he considered all the causes which had led to 'the rupture, he held that the position was quite clear 'that, by every principle of right and justice, England 'was entitled, and that by the authority of God and 'man, *to demand redress, but, be it understood, not for a 'war of blood and of reprisals.*'

Lord Palmerston's defence was characteristic. He did not deny the miseries produced on the population by the effects of the drug—he did not deny the right of the Chinese Government to prohibit its importation —nor did he justify our conduct in growing it for the Chinese markets and smuggling it into its ports: but the Chinese Government were hypocritical. 'Why,' he asked, 'did they not prohibit the growth of the 'poppy in their own country? It was not the morals 'of the people that they cared for, but to preserve a 'monopoly in the growth of opium to their own 'subjects, and to prevent the export of sycee silver to 'pay for foreign opium.' Be it so; admitting that these were their motives, had they not as perfect a right to prohibit the importation of opium, because they wished to protect their own opium growers, and to retain their sycee silver, as because they cared for the morals of their people? The latter motive was the more praiseworthy; but at any rate, if not the true motive, it was a valid reason. The importation of opium was indisputably most injurious to the health and the morals of the people, and being so, the Chinese authorities had a

perfect right to assign it as a justification for their conduct; nor was it the less a justification, although it was neither the real motive nor an exclusive reason.

The division gave a considerable majority in favour of the Government.

And now, what were the proceedings of the British expedition in the Chinese seas? The Duke of Wellington had laid down that 'it was not the intention of 'His Majesty to establish a commercial intercourse 'with China by force and violence.' Sir Robert Peel had implored that 'the peculiar character of the people 'with whom we had to deal might not be forgotten, 'and that our measures should be so tempered that 'as little evil as possible should remain.' Mr. Gladstone had declared that 'a war more unjust in its origin, and 'more calculated to cover this country with permanent 'disgrace, he did not know and had never read of.' Sir Stephen Lushington had laid down, that though 'England was entitled, and had the authority of God 'and man to demand redress, *but, be it understood, not* '*for a war of blood and of reprisals.*'

The instructions to the commanders of the expedition must be inferred from their acts. Without the customary communication being sent down from the Crown to Parliament—without any such declaration of war as the law of nations peremptorily requires to stamp hostilities with a legal character—*without any attempt to* '*demand redress*' *from the Imperial Government at Pekin**—the British armament at once plunged 'into

* Lord Dalhousie thus lays down this preliminary step, as a duty, in the case of Burmah:—'The refusal of the Governor of Rangoon to

a war of blood and of reprisals,' which the judge of the High Court of Admiralty had emphatically declared that 'the authority of God and man' denied that we had a right to wage.

We captured Chusan and its capital; we 'battered down forts and houses, killing hundreds at Amoy;'* we took Shanghai; we destroyed various other forts; we besieged and took Chin-kiang-foo; we inspected the public buildings after the contest was over, set fire to them, and marched on. Our soldiers witnessed the most heart-rending scenes; the wretched people killing all whom they best loved, and then committing suicide. 'We planted field-pieces loaded with grape at the ends 'of long narrow streets thronged with men, women, and 'children—we mowed them down like grass, and the 'gutters flowed with their innocent blood.'† We inflicted such 'an amount of suffering on the Chinese 'people, in consequence of the prosecution of hostilities, 'which,' when described in a despatch to Lord Ellenborough, then Governor-General of India, 'he durst 'not publish: nor did he ever make generally known 'the details of the horrors which then came under his

'accede to a demand of reparation for a distinct breach of the treaty 'with Ava, if it should be upheld by his Government, would doubtless 'entitle the Government of India to exact reparation by force of arms, 'or to inflict such punishment on the Burmese State as circumstances 'might seem to require. But the Government of India could not, *with 'justice,* proceed to such extremities until it had communicated with the 'Court of Ava respecting the conduct of its servants, and had thereby 'afforded it an opportunity of disavowing his acts, and of making the 'reparation which he had refused to concede.'—*Papers presented to Parliament, June* 4, 1852, p. 13.

* Loch's *Closing Scenes of the Chinese War.*

† Sir Henry Pottinger's speech at Liverpool shortly after his return.

'notice.'* Lastly, we forced our way to Nankin, the ancient capital of the empire, and there dictated our own terms of peace to our affrighted and vanquished enemies.

And all these deeds of darkness were done, so helpless were our victims, with hardly any loss to ourselves. They were done *piratically* to a people with whom we were not even legally at war. For such was the unanimous decision of the Court of Common Pleas:† the point being so clear that no attempt was ever made to reverse the decision.

By the treaty the Chinese were compelled, contrary to all their principles of policy and all their national prejudices, to open the ports of Canton, Amoy, and three others, to British merchants, and to cede the island of Hong Kong in perpetuity to Great Britain. Further, we *looted* from them twenty-one millions of dollars, to be paid in the course of four years, as an indemnity to this great nation for the expenses of the war!!

'The Chinese Plenipotentiaries left the ship on board 'of which the treaty was signed,' says an eye-witness‡ of the scene, 'doubtless with humbled pride, but just 'satisfaction at having saved their ancient city, and 'perhaps their monarch's throne; but long will it be, 'if ever, before his complete supremacy will again be 'felt—long will it be before the lament of the father-'less, the anarchy and starvation, and misery of the

* Lord Ellenborough's speech, Mar. 30, 1860.

† Evans *v.* Hatton, Court of Common Pleas, Nov. 9, 1842.

‡ Captain Loch, p. 188.

'houseless wanderers over the richest portions of his 'vast empire, becomes a forgotten tale.'

Thus ended this unjust and inglorious war—a war which, as predicted by Mr. Gladstone, 'has covered 'this country with permanent disgrace.'

Unjust in its origin, and condemned, as unlawful, in its every stage, by English Judges—stained with wanton and revolting cruelty in its progress, and with brigand avarice at its end, the infamy which it has fastened on Great Britain can only, if ever, be effaced through the agency of unborn generations.

CHAPTER V.

HOSTILITIES AT CANTON, FOLLOWED BY GENERAL HOSTILITIES AGAINST CHINA—PEACE OF TIENSIN—THIRD SERIES OF GENERAL HOSTILITIES AGAINST THE CHINESE EMPIRE—CAPTURE OF PEKIN—RESTORATION OF PEACE.

THE first article in the treaty of peace, signed at Nankin, was an agreement for lasting peace and friendship between the two empires of Great Britain and China.

Sir Henry Pottinger having afterwards negotiated a treaty of commerce, issued a proclamation calling on all British subjects to obey its stipulations. The Chinese High Commissioner, on his side, issued also an amicable proclamation expressing his hopes that henceforth amity and good-will might ever continue.

In this commercial treaty no mention was made of the opium trade, about which the hostilities had originated. But the British Plenipotentiary, before leaving Hong Kong, denounced it in no measured terms.

Moreover, in the course of 1842, a memorial was presented to the then Premier, Sir Robert Peel, from two hundred of the leading merchants and manufacturers in England and Scotland, representing that 'to 'British subjects engaged in honourable commerce 'with China, to the growers and importers of wool and 'cotton, and to the thousands of operatives in their

'employ, the illicit trade in opium was grievously pre-'judicial.'

Nevertheless, no measures were taken by the British Government to regulate or to abolish it. The difficulty of the Indian revenue still remained; and between what was right on the one hand, and what was profitable on the other, the Government had not the courage to decide. The whole question was, therefore, ignored, and was allowed to take its own course, although, by the twelfth article of the supplementary treaty, this country contracted to put down smuggling to the best of its power. We fulfilled this stipulation by doing our best to encourage smuggling; and by the protection which Hong Kong afforded, we enabled a fleet of lorchas to be created especially to carry on this smuggling trade.

It was owing to one of these lorchas that hostilities were renewed between the two countries, and that 'the lasting peace and friendship,' stipulated for in the first article of the treaty of Nankin, was broken.

The provisions of that treaty and the commercial treaty had been honourably fulfilled by the Chinese, with one exception. That exception was the non-admission of foreigners into the city of Canton. The Chinese authorities did not repudiate the obligation, nor did they positively refuse to fulfil it. They entreated the British Plenipotentiary to forbear from enforcing the demand, because they affirmed that it could not be carried out without all the foreign residents in Canton having their lives endangered, from the prejudices and exasperation of the population in the

city, from which the authorities would not have the power to protect them. The validity of this excuse was recognised by the French, Dutch, American, and Portuguese consuls. It was also admitted by Sir John Davis, the Governor of Hong Kong. Moreover, Sir George Bonham, the British Plenipotentiary, in 1849, wrote to Lord Palmerston as follows:—'It is my belief 'that no material advantage to our commerce would 'be gained by British subjects being admitted indis- 'criminately to Canton: at all events, none commen- 'surate with the danger to be risked of involving the 'British Government in hostile discussions with that 'of China.'

The Home Government wisely approved of this conciliatory course; and Sir George Bonham made known to High Commissioner Yeh their decision, saying, 'The 'matter shall be no more discussed between your Ex- 'cellency and myself.'

This point being thus amicably settled, the transactions between the two countries went on smoothly; the Chinese submitting without remonstrance to our normal violation of the smuggling article; and when occasions for discussion arose, evincing good-will and moderation. It appears by the official papers that all the cases, from 1846 to 1856, which had been discussed between the two nations, were acknowledged by the British authorities to have been satisfactorily arranged. There were, during those years, only fourteen in number, some serious and some of small importance. It appears by the correspondence that on every occasion the Chinese authorities did their best to afford redress and to punish offenders.

The most serious case was the murder of six young Englishmen, who, having gone into a Chinese village where it was known the inhabitants were particularly unfriendly to foreigners, armed with pistols, a fray arose, in which they fired, killing one and wounding another Chinese. The mob then attacked, overpowered, and murdered them. For this outrage four Chinese were hanged, and eleven condemned to the heaviest punishments. The British authorities asked that the village where the conflict took place should be razed to the ground, but the authorities of Canton declined to punish the innocent with the guilty. The deed was done Dec. 5, 1847; and before Jan. 20 in the following year, 1848, the punishments had been inflicted, and every reparation made within the power of the authorities.

In the cases of all the other insults offered by the native Chinese to British subjects, the British authorities record in their despatches their satisfaction with the conduct of the Chinese authorities. 'I took occasion,' said Sir John Davis to Lord Palmerston (Sept. 23, 1847), 'to express my own acknowledgments for the 'uniform good faith and firmness with which Com-'missioner Keying had punished casual infractions of 'the peace since the dates alluded to up to the present 'time.' In a proclamation issued by High Commissioner Keying to the natives, the term 'barbarians,' as applied to the foreigners, was omitted; and this was considered by the British authorities as a 'good sign' for the growth of friendly relations between the two nations.

The last case was brought to an end on Oct. 6, 1856. It was one in which a British missionary wilfully and

deliberately violated the treaty, and gave the Chinese authorities a right to demand his punishment. They abstained from so doing. Native merchants became his security, and Consul Parkes, writing to Sir John Bowring, states that High Commissioner Yeh, in managing the matter, had shown a commendable moderation in not calling upon him to take a more stringent notice of that infraction of the treaty.*

From Dec. 1851, to Feb. 1855, Lord Palmerston was out of office. In Feb. 1855 he became Premier. Within less than a year and three-quarters the friendly intercourse between Canton and Hong Kong met with a rude interruption.

Sir George Bonham had retired from the scene, and had been replaced by Dr. (afterwards Sir John) Bowring as Governor of Hong Kong. Sir Michael Seymour had been appointed Admiral in the Chinese Seas, and Mr. Parkes was British Consul at Canton.

It was on Oct. 8, 1856, only two days after the settlement of the missionary question, that a small vessel, or lorcha, called the Arrow, was at anchor in the river below the city of Canton. The lorcha was built in China, was owned by a Chinese, and had on board a crew composed entirely of Chinese, with a foreign commander.

Hong Kong being a British colony, it was competent for the owner of any vessel of any country, having obtained the requisite security, to make application, through the proper official channel, to the supreme authority, for a colonial register. Under this the vessel

* Mr. Gladstone's speech, March 3, 1857.

hoists a British ensign, and the register once issued, she has a right to be regarded *by the British authorities* in all respects as a British vessel, save in respect to such rights and allegiance as may be due to the foreign nation to which she belongs.

For, said Secretary Sir George Grey, just at the very period of this lorcha affair, 'no certificate or other act 'of naturalisation, granted by the British Government 'to an alien, places him beyond the lawful power and 'control of his native country, unless he has received 'from the Government of such country a certificate of '*denationalisation*, or been released from his original 'obligations as a subject in some other legal way.'

The lorcha, it appears, had obtained a British certificate of colonial registration; but as the vessel was of Chinese build, was manned by an entirely Chinese crew, and belonged to a Chinese owner, who had NOT obtained for her, from the Government of China, 'any release, in some legal way,' from the original obligations which a vessel so built, so manned, and so owned owed to the Chinese Government, the register so obtained could not place her beyond the lawful power and control of the authorities of the nation to which she belonged.

This register (or certificate of colonial registration) was limited as to time, and, as is shown by the papers, Sir John Bowring made known to Mr. Consul Parkes on Oct. 11 that its time had expired. 'It appears,' said Sir John, 'on examination, that the Arrow had no 'right to hoist the British flag: the license to do so 'expired on Sept. 27, from which period she has not 'been entitled to protection.'

It is evident, therefore, on the whole, that even if this lorcha's registry had not expired, so far as the Chinese authorities were concerned she was to all intents and purposes a Chinese vessel; but, according to the Governor's own showing in his letter to the British Consul, she had lost all claims to be considered as a British vessel, 'to hoist the British flag, or to be entitled to British protection.' But even on the supposition that the lorcha was a British vessel and the crew Chinese, it is recorded by Dr. Bowring himself (May 17, 1852) that 'it has been decided by the law officers of the Crown that the circumstance of Chinamen being engaged in the service of subjects of Her Majesty does not remove them from the jurisdiction of the native authorities.' *

The Chinese authorities seized the crew of the lorcha. The motives which induced them to do so were most just. They did it to punish and to put down murder and piracy, which had given rise to complaints, and were therefore such as ought to have produced not only gratitude on the part of the British authorities, but assistance and cooperation.

It is a disputed point whether or no the British flag was pulled down by the Chinese police when they boarded the lorcha. Admitting that it was, then they were justified in doing so, even on board a *British* vessel, for keeping the flag flying in harbour was contrary to the 'established regulations' of the port: but the vessel having no right to hoist it at all, but hoisting

* Blue Book, *Insults in China*, p. 200.

it as a cover for pirates, the act was insulting to the nation whose flag was thus profaned, and the Chinese authorities would naturally have been fearful lest they might be called to account for allowing a Chinese vessel to offer such an affront to their ally in their own harbour.

Such being all the material facts of the case, as revealed in the papers laid before Parliament, it remains to be seen how they were dealt with by the British Governor, Admiral, and Consul.

As soon as the arrest of the lorcha's crew came to the knowledge of Mr. Consul Parkes, he made a representation (Oct. 28) to High Commissioner Yeh, in which he asserted 'that a grave violation of national rights 'had been committed by Chinese officials on board the '*British* lorcha Arrow.' Next day High Commissioner Yeh replied, 'The lorcha is not a foreign vessel.' On the 10th, the High Commissioner again acquainted the Consul that the Arrow 'had no right to hoist the 'British flag.' The Consul had also learnt from Sir John Bowring that her license having expired, 'she was not 'entitled to British protection.' On the 12th, AFTER he had received the Governor's letter, the Consul contradicts Yeh, and persists in twice describing, in a threatening letter to Yeh, the lorcha as a *British* vessel. Terrified at the language of the Consul, the High Commissioner gave up the captured pirates and the lorcha crew, in obedience to the requisitions made to him, but under protest, and renewing his denial that the lorcha was a foreign vessel. The High Commissioner further gave an assurance, at the same time, that all foreign

flags should be respected—an assurance which even Mr. Consul Parkes admitted 'might perhaps be con-'sidered as sufficient.'

These points conceded, an apology was demanded for the insult to the British flag. To this demand the reply was to the effect that no apology could be given for an offence which could not have been committed, as the British flag was not flying, and could not therefore have been hauled down.

But 'the occasion being auspicious,' as Sir John Bowring observed, the opportunity was then taken to insist on that provision of the supplementary treaty of Nankin which gave the right of admission to foreigners into the city of Canton, the right which had been deliberately placed in abeyance by the British authorities under the sanction of the Home Government. This point not being conceded, instead of applying to the Emperor of China, as by every principle of the law of nations they were bound to do, these three men—the Governor, the Admiral, and the Consul—determined at once, on their own responsibility, on proceeding to extremities. They accordingly commenced active hostilities against the city—a city with narrow streets, with a dense population, partly consisting of defenceless children, and women unable to walk, from the unnatural size to which their feet had been artificially contracted. It has been calculated that it would take a fortnight to remove the population of this city, and of course such a removal would involve a million of human beings in destitution and famine. Unhappily for the wretched inhabitants of Canton, Sir

Michael Seymour bore no resemblance to the tender-hearted British admiral at Messina, whose compassionate feelings made him interpose to put a stop to the horrors which he witnessed. In this case (after an interval of only two days!) hostilities were begun. On the 23rd of October, the Admiral reports that various Chinese forts had been captured, 'their guns rendered unserviceable, and their ammunition destroyed; fire had been opened upon the High Commissioner's compound, a large space of ground within the old city; a clear passage had been opened to the wall of the city by the conflagration of a large portion of the houses in our line of attack; a breach had been made in the city wall, which was deemed practicable; the gate [of the city] had been blown to pieces with two large charges of gunpowder; and the Admiral had the *satisfaction* of entering the city through the gate, and accompanied by the Commodore, Her Majesty's Consul, and a portion of the force, visited and inspected the house and premises of the High Commissioner.' Further, 'a second fire had broken out in the suburbs, bordering on the first one, which consumed a large number of houses.'

All this devastation and bloodshed having been accomplished on an almost unresisting foe, the Admiral 'judged it expedient personally to address the High Commissioner, in the hope of inducing him to accede to our demands.' And in so doing the Admiral said, 'I pointed out that the steps which had been taken were occasioned by his refusal to afford reparation in the case of the Arrow.'

On the 1st of November, Mr. Consul Parkes put forth a 'Notification to the Chinese, issued by order for 'removal of misconceptions *by declaration of the Truth*, 'to the end that confidence might be restored to the 'public mind;' and the whole of the justification of our violent and merciless attack turned, in this 'notification,' on the lorcha Arrow being a 'British vessel,' and 'consequently entitled to British protection.'

Lastly, Sir John Bowring justifies all our hostile proceedings, on the ground 'of the Chinese having 'violated the ninth article of the supplementary treaty, 'which requires that all *malfaisants* in *British* ships 'shall be claimed through the British authorities.'

After reading these several declarations of the British authorities, and knowing, what they all must have known at the time when they made them, that the lorcha was *not* a British vessel, with bewildered sorrow and shame one cannot help asking, with Pilate, 'What *is* truth?'

The conflict thus begun on pretences *acknowledged* by those who put them forth to be false, some idea may be formed of the spirit which influenced the actors in it, by the following threat addressed by the Admiral to the Governor of the city:

'I have now one remark to make, to which I request 'your Excellency's particular attention. The lives and 'property of the entire city population are at my 'mercy, and could be destroyed by me at any moment 'that any event might impose on me so sad a necessity. 'The prevention of such a necessity is entirely in the 'hands of your Excellency.'

How deeply is it to be lamented that a British Admiral could conceive the notion, that 'any event 'could impose on him the *necessity* of destroying' the lives and property of a million of human beings who were utterly unable to offer any resistance worthy to be so called. Neither the civil war in the United States, nor the rebellion in Poland, have produced any threat so sanguinary or so awful, and so entirely without any provocation to palliate its enormity.

When the documents detailing these proceedings reached the Admiralty, it is evident that they were looked upon as recording events to rejoice at and not to sorrow over. In the exultation of the moment they were published in the 'Gazette,' without undergoing the process of 'judicious selection;' and the consequence was, that some well-meaning official let the fact transpire that the British authorities at Canton perfectly well knew that the Arrow was not a British vessel, and was not entitled to British protection.

That these transactions were gross violations of international law and every recognised principle of justice and mercy, does not admit of question.

When they were first published the Conservative Press lost not a day in denouncing them. The Liberal Press dealt in generalities, imported all sorts of irrelevant matters into the discussion, and left loopholes in their comments through which it might be possible to creep. To the credit of the general public be it remembered that the popular voice condemned the outrages which had been committed; and so loud was this outcry, that it is believed on very good grounds,

that when the Cabinet first met, all the Ministers, with one exception, thought that nothing could be done, save to condemn the proceedings, and to shake off all responsibility for or participation in them. That exception was the Premier. Having heard all that his colleagues had to say, it is said that he told them that they were all mistaken—that by talking of an insult to the British flag, he would rouse the British Lion, and turn the popular current in favour of these hostilities. His opinion prevailed. The Government accordingly decided to support the Anglo-Chinese authorities, and agreed to describe the transactions at Canton in Her Majesty's speech at the opening of the Session in the following words:—

'Her Majesty commands us to inform you that acts of 'violence, insults to the British flag, and infraction of 'treaty rights committed by the local Chinese authorities 'at Canton, and a *pertinacious* refusal of redress, have 'rendered it necessary for Her Majesty's officers in 'China to have recourse to measures of force: *those* '*measures have been taken with great forbearance.*'

Lord Palmerston afterwards described these same transactions at a Lord Mayor's banquet as follows:—

'We felt that great wrong had been inflicted on this 'country; we felt that our countrymen in a distant part 'of the globe had been exposed to every sort of insult, 'outrage, and atrocity; that a treaty with this country 'had been broken, and that those who were locally 'charged with the defence of our interests were not 'only justified in resorting, but were bound to resort, 'as far as the means at their command enabled them,

'to the measures requisite for their vindication. We 'felt that we should have been basely betraying a trust 'which our Sovereign and the country had reposed in 'us, if we had not approved proceedings which we 'thought right, and which, if we had been placed in 'similar circumstances, we should certainly have deemed 'it our duty to adopt.'

'Our countrymen,' Lord Palmerston then affirmed, 'had been exposed to every sort of insult, outrage, and 'atrocity.' But the blue book presented by his Government affirmed that for seven years preceding these hostilities, the few cases which had been discussed between the two nations were all satisfactorily arranged: the last of them, as has been shown, afforded a remarkable example of forbearance on the part of the Chinese authorities.

It is true that *after* the desolation and bloodshed which the proceedings of the British Admiral had carried into the heart of the city—*after* the dismay created in the minds of the inhabitants by the bombardment, and the vast conflagrations which were its consequence—the Chinese authorities had recourse to those miserable and detestable contrivances to destroy their enemies, which their weakness taught them, and which, if they had been resorted to without provocation, might justly be complained of as unpardonable outrages and atrocities; but outrages and atrocities committed *after* the hostilities could be no justification for commencing them. When Lord Palmerston made his speech, those subsequent atrocities had indeed been committed; but surely it was a sad error on his part to

put them forth as justifying a war which was begun long before they were perpetrated.

The news of the bombardment of Canton reached this country in November 1856. As soon as Parliament met in the following year, the subject was brought before the two Houses, by Lord Derby in the House of Lords, and by Mr. Cobden in the Commons.

In the Commons, Lord John Russell thus spoke of these transactions:—

'We used to hear of the character, of the reputation, 'of the honour of England. I trust, Sir, they are dear 'to us all; but if the prestige of England is to be 'separate from those qualities, then I, for one, have no 'wish to retain it. To those who argue, "It is true we '"have a bad cause, it is true we were in the wrong, '"it is true we have committed injustice, but per-'"severe we must, continue we must to act unjustly, '"lest the Chinese should think that we are afraid,"— 'to these I say, be just and fear not.'

The late Sir James Graham said:—

'I, for one, will wash my hands of the innocent blood 'which in my opinion has been shed. . . . In my 'opinion the debate has proved that whether you 'regard this as a question of policy, or a question of 'humanity, whether you regard it in connection with 'the most solemn of all obligations, and by the light of 'our Christian principles, these operations at Canton are 'utterly indefensible.'

Mr. Gladstone said:—

'There is not war with China, but what is there? 'There is hostility, there is bloodshed, there is *the*

'*trampling down of the weak by the strong*—there is 'the terrible and abominable retaliation of the weak 'upon the strong. You are now occupied in this 'house by revolting and harrowing details about a 'Chinese baker who has poisoned bread—by proclama- 'tions offering rewards for the capture of British heads, 'and for the waylaying of a postal steamer, and these 'things you think strengthen your cause. *Why, they* '*deepen your guilt.* They place you more completely 'in the wrong. War, taken at its best, is a frightful 'scourge to the human race; but, because it is so, 'the wisdom of ages has surrounded it with strict laws 'and usages, and has required formalities to be ob- 'served which shall act as a curb on the wild passions 'of man, to prevent the scourge from being let loose 'unless under circumstances of full, deliberate, and 'absolute necessity. You have dispensed with all 'these precautions, you have turned a Consul into a 'diplomatist, and that metamorphosed Consul is, for- 'sooth, to be at liberty to direct the whole weight of 'England against the lives of a defenceless people. 'While war is a scourge and a curse to man, it is yet 'attended with certain compensations. It is attended 'with heroic self-sacrifice and unbounded daring; it 'is ennobled by a consciousness that you are meeting 'equals in the field, and that while you challenge the 'issue of life and death, you at least enter into a fair en- 'counter. But you go to China and make war on those 'who stand before you as women and children; they 'try to resist you, they call together their troops, they 'load their guns, they kill one man and wound another

'in action, and whilst they are so doing *you* kill 'thousands. They are unable to meet you in the field: 'you earn no glory in such warfare; it is those who 'put the British flag to such uses who stain it, and it 'is not from them that we ought to hear rhetorical 'exaggerations of the allegiance which we owe to the 'national standard.'

If such be the deliberate and publicly avowed judgment of Whig and Liberal British statesmen on these British doings at Canton, how think we that they are regarded by nations jealous of our power and hostile to our fame, and too glad to have an honest opportunity of reviling us with truth?

The House of Commons did its duty—it passed a resolution condemning what had been done.

With pain and grief it must be confessed that a similar resolution was rejected by a majority of the House of Lords.

The majority against the Government in the Commons necessitated, however, a dissolution. The constituencies, by their returns, backed the vote of the House of Lords against the vote of the House of Commons. They probably did not consider dates, and they gave too much credit to Lord Palmerston's assertion at the Lord Mayor's feast, that in 'the insults, the 'outrages, and the atrocities of every sort, to which our 'countrymen had been exposed in a distant part of the 'globe,' had *originated* the monstrous vengeance we had taken.

But the real motive for the hostilities was assuredly not the Arrow. Lord Palmerston and Dr. Bowring

were evidently bent on forcing the admission of foreigners into the city of Canton; and the article of the treaty conceding it, which the British Government had consented not to press, was to be carried out at whatever cost. The British were strong, and the Chinese were weak. The lorcha was, in fact, a mere sham—pity it was that we did not wait for the chance of some real offence being given, which would have afforded a colourable pretence. That this is no erroneous view is evident from what Mr. Consul Parkes stated at an interview which he had with the Canton British merchants on November 15. 'If,' he said, 'ample reparation for outrage in the Arrow case 'had been all we required, the Admiral would doubtless 'have been long ago satisfied with what had been done: 'but a principle was at stake which could not be aban- 'doned,' and that principle, he proceeded to state, was access to the authorities and city of Canton. On this part of the case Lord John Russell thus comments:—

'But when the Government received the account that 'hostilities had been continued, that Sir John Bowring 'and the Admiral had on their own authority under- 'taken to raise this great question, upon which the 'whole of our amicable intercourse with Canton 'depended—viz. that of our entrance into the city—and 'that without giving time for a reference to Pekin, or 'for a determination of the British Government, the 'Admiral had at once proceeded to attack the forts, 'and to destroy the fleets, it does seem to me that Her 'Majesty's Government should have considered that 'these officials had committed a serious offence against

'the interests of this country—that they had, without 'cause, put in jeopardy our amicable relations with a 'great and populous empire, and had presumed to take 'upon themselves the solution of a question which 'three different Secretaries of State had declared in the 'most explicit and clearest language should not be 'decided without reference home, and without due 'deliberation by Her Majesty's Government.'

Can it, however, be believed that the Governor and the Admiral did these things without secret encouragement from home? But, whether they did or not, it is certain that they are in no way at variance with the whole system of British foreign policy which has been so long everywhere carried out.

Thus originated the war with China which terminated in the peace of Tiensin—a war of which the annals of history afford no examples of one prosecuted on more unjust and untenable grounds. We again, as before, after the custom of banditti, extorted a large sum of money as indemnification for the expenses of a war in which we were the sole aggressors.

By this new treaty, the feelings or the prejudices of the Chinese were also further trampled on, by compelling their consent to receive an ambassador at Pekin.

In the carrying out this stipulation originated the third war which, in the short space of ten years, Great Britain waged against the Chinese empire. The British ambassador proceeded to the mouth of the Peiho, with a powerful armament, and desired to be allowed to journey to the capital by the way which he himself

should choose. The Chinese authorities requested him to go by a different route—which he declined, and accordingly, as usual, directed the commander of the armament to force the passage which he had selected. In making this attempt the British arms sustained a severe defeat. Whether, in this case, the Ambassador was or was not in the wrong, is open to question. At all events the case cannot be compared in flagrancy with those of the two wars which originated respectively in the seizure of opium and the affair of the Arrow.

But even of this third war Lord Ellenborough declared that he 'regarded it with horror; that it was an 'unjust war from the beginning.'*

To avenge our defeat, and to restore the prestige of our arms, it was determined to send an army, in conjunction with a French one, to Pekin, to show the Chinese that even in their own capital their Emperor was not safe on his throne from the incursions of European enemies. Into the details of the events of that war it is unnecessary here to enter. Suffice it to say that some unfortunate British officers having been most treacherously seized and barbarously treated by the Chinese, in revenge the combined forces looted the Summer Palace of the Emperor—and that the Imperial city surrendered at discretion. This accomplished, we compelled the signature of a treaty in which an item of indemnity largely figures. Subsequently the British forces were withdrawn by degrees from China.

On February 14, 1861, Lord Palmerston moved a vote

* March 30, 1860.

of thanks to the military and naval forces engaged in China, in the war ending in the treaty of Pekin. His remarks are worthy to be noted.

'I trust,' he said, 'that these incidents' [viz. the great and rapid success of our arms] 'and this punishment' [viz., destruction of the Summer Palace], 'which has 'fallen on the Emperor of China, will teach them that 'in dealing with the Powers of Europe they must obey 'those laws of international right which prevail among 'the civilised nations of the world'!!!

'Now I do not know,' said Mr. Gladstone on another occasion, 'whether I shall tax unduly the patience of 'the House, if I observe how curiously, as occasion 'serves and interest prompts, nations and governments 'can accept or discover arguments which in the mouth 'of adverse Powers they have repelled the year 'before.'

And now what have been the effects produced on this vast and populous empire by the unjust and indefensible wars which Great Britain has waged against it?

A correspondent of the 'Times' (Feb. 16, 1865) thus describes the Imperial city of Nankin, the ancient capital of the country:—'A gentleman who rode through 'it the day after its capture by the Imperial troops, 'and again visited it a few days ago, states that a few 'yamums are being repaired for the residence of officials, 'but that signs of reconstruction in other tenements are 'very rare. The destruction is complete in every part 'of the city: the visitor rides through miles of ruins, 'which, by their silent testimony to former prosperity, 'only render the present desolation more striking.' This

is a description of only one city; it is applicable to hundreds of other cities, towns, and villages.

'The opening of the new year,' says the 'Times' correspondent at Shanghai, January 8, 1865, 'finds 'China distracted by insurrection, brigandage, and dis-'content in almost every part of its vast territory.'* Thus anarchy, bloodshed, misery, starvation, and confusion have been spread by Great Britain amongst some 350 millions of the human race. The imagination shrinks from the appalling spectacle. How hardened must a man be who can contemplate such lamentation, and mourning, and woe, with calmness and complacency. And for what has it all been done? Has it been to increase our commerce? If so, we are deeply guilty—we have committed heinous crimes. 'It is 'unlawful,' says Lord Ellenborough truly, 'to make war 'for the purpose of making money.'

Has it been to create throughout the world a dread of our power? Can such a dread be created by conflicts with such a people? 'They call together their troops, 'they load their guns, they kill one man and wound 'another, and whilst they are so doing we kill thousands. 'We can earn no glory in such a warfare, and it is 'those who put the British flag to such uses who stain 'it.' Noble sentiments! Would to God they had been listened to and obeyed!

Did Russia gain any glory by the massacre at Sinope? Or have the Prussians gained glory or renown from their dealings with Denmark?—rather, have they not

* *Times*, March 1, 1865.

reaped contempt and hatred for their miserable deeds? We are ready enough with scorn and contempt to denounce them. But their dealings with Denmark are noble and glorious in comparison with our dealings with China; for there was something like organised resistance by the Danes, and in a former war they had been victorious.

There can be no doubt but that the Taeping rebellion, which is not yet nearly extinguished, was the result of our opium war in 1840. 'When in office,' said the present Earl Grey, in bringing the China question before the House of Lords in March 1860 (in an able and luminous speech, which did as much honour to his head as to his heart, which was the speech of a high-minded British statesman deeply and acutely feeling the iniquity of our proceedings), 'When in office I had 'an interesting conversation with Dr. Gutzlaff, who told 'me that it was to the war, and especially to the large 'pecuniary indemnity which England enforced, that the 'Taeping rebellion was owing—that by it the finances 'of China were crippled and paralysed, the great officers 'of state were left unpaid, and in every instance there 'was greater suffering than had ever been known be-'fore.'

This, then, is an unexaggerated and true picture of British dealings with the vast empire of China—and their consequences.

On May 31, 1864, Lord Palmerston gave to the House of Commons what he described as 'the history 'of our intercourse with China.' 'It was,' he said, 'the natural and usual history of the relations of a

'highly civilised people with a half-civilised one. It 'invariably happens,' he affirmed, 'that when a highly 'civilised race comes in contact with a half-civilised 'race, you find that they act upon different rules of 'conduct. The highly civilised one expects good faith, 'justice, the fulfilment of engagements, honour, and an 'absence from wrong-doing. The half-civilised race, 'on the other hand, are in habit totally different. They 'apply to the civilised race that principle of conduct 'which they themselves recognise, but which cannot 'be submitted to by those who are accustomed to a 'different mode of proceeding. Hence quarrels arise; 'wars follow the quarrels; engagements, treaties, and 'conventions put an end to this war; the conventions 'and treaties are broken; further quarrels arise; and 'in that manner relations are embittered, until the 'superior strength and ascendancy of the civilised race 'assert themselves, and then the other nation, feeling 'that it cannot with either safety or success practise 'their own rule of conduct, acquiesce in the regu-'lations imposed on them by their more powerful an-'tagonist.'

Language such as this, considering the events to which it professes to refer, is now most painful to contemplate. Nor are the feelings of sorrow diminished by that which followed.

'The House,' he continued, 'ought to consider the 'great features of our policy affecting our relations with 'China. I agree with the statement that our object in 'China is simply trade; we do not want conquest. . . . 'But those who wish to change the policy already

'pursued are doing *their best to take the bread out of the mouths of our working classes.*'

Further on in his speech he said, 'I say it is the 'duty of the Government to endeavour, by every 'means in its power, to extend the commerce of this 'country. . . . I claim the credit of this view for 'the policy of this country—a policy which has been 'eminently successful and deserving the approval of 'the country.'

Granting, then, that this policy has been eminently successful in 'extending the commerce of this country' and putting 'bread into the mouths of our working 'classes' (albeit Mr. Cobden in the same debate proved, as far as statistics could do, that it had been *quoad* China, eminently unsuccessful), is this great country privileged, for the sake of its commerce and of feeding its people, to set aside all the obligations of 'good faith, 'justice, fulfilment of engagements, honour, and absence 'from wrong-doing,' as has been done in its fatal intercourse with China? Is any nation, for these selfish objects, free to inflict anarchy, bloodshed, terror, and desolation on untold millions of the human race?

If these be the doctrines to be upheld by the 'highly 'civilised races' of the world, then is civilisation a curse, and Christianity no better than a dream.

England is happy, prosperous and contented, *now*: the marvellous impetus which the mighty discoveries of science have given to our physical strength, the enormous increase of our wealth, the busy hurrying lives which men now lead, whereby they are prevented from dwelling on the past and drawing those lessons

which the past affords—the disregard of principle, and the unwillingness to take any rule but expediency as a guide, all tend to give men confidence in the future, and to lead them to believe that our present prosperity is not only founded on a rock, but that it is mostly of human origin.

But, whatever we may fancy, we are but children in the hand of God. A murrain amongst our cattle—'God's great army, the palmer worm and the canker 'worm,' amongst our crops—a foreign war in which we should find few allies, might bring down our prosperity to the lowest ebb. Such calamities might force us to ask ourselves the solemn question, Are not these chastisements such as we deserve? For, as surely as there is a God in heaven, 'the voice of our Chinese 'brethren's blood is now crying unto Him from the 'ground' against us.

God grant that, as a nation, we may repent and mend our ways in time, that we may be spared the retribution which we so richly merit, and that the sins of the fathers may not be visited upon the children unto the third and fourth generation.

CHAPTER VI.

BURMAH—PERSIA—SIAM—JAPAN.

Burmah.—The dealings of the Government of India with that of Burmah, previous to the war which ended in the annexation of Pegu to British India, afford a striking contrast to those of the Home Government in their dealings with the Chinese empire as recorded in the last two chapters.

All the principles which are contended for therein, as those which ought to have regulated the conduct of the British Government towards China, are set forth in bold relief in the minutes and memorandums of the then Governor-General, Lord Dalhousie.

The events which brought about the war are briefly as follows:—

By the first article of the commercial treaty with Ava (Nov. 23, 1826) it is agreed that 'the Governments of both countries shall permit ships with 'cargoes to enter ports and carry on trade, giving them 'the utmost protection and security.'

It appears that the masters of two British ships were illegally and oppressively dealt with by the Governor of Rangoon: and there can be no doubt that the Indian Government not only had a right, but

were bound to demand redress for the treatment which those British subjects had met with at his hands.

On their appealing to the Indian Government for protection, Lord Dalhousie promptly sent three vessels of war to Rangoon under the command of Commodore Lambert.

The instructions to the Commodore were conceived by his Excellency in the true spirit of adherence to the law of nations.

'If,' they said, 'Captain Sheppard' (one of the aggrieved parties) 'had offended against the laws of 'the kingdom of Ava, *he would of course have been 'amenable to its courts, however widely they might differ 'from those of the offender's own country.* But if the 'depositions are true, the Captain has committed no 'offence, and the proceedings of the Governor of 'Rangoon constitute a grievous and palpable act of 'injustice and oppression towards a British subject, 'and manifest a disregard of the obligations of treaty 'and of the law of nations.'*

The Commodore is then directed to satisfy 'himself '*in the first instance* of the accuracy of the depositions 'and the veracity of the deponents' (p. 13).

. . . . . .

'The refusal of the Governor of Rangoon to 'accede to a demand for reparation, if upheld by his 'Government, would doubtless entitle the Govern- 'ment of India to exact reparation by force of arms; 'but *that Government could not with justice proceed to 'such extremities until it had communicated with the*

* Parliamentary Papers, Oct. 31, 1851, p. 11.

'*Court of Ava* respecting the conduct of its servant, 'and had thereby afforded it an opportunity of dis- 'avowing his acts and of making the reparation which 'he had refused to concede' (p. 13).

'Lord Dalhousie therefore directed that a letter 'should be addressed by the President in Council to 'the King of Ava, detailing the facts which have oc- 'curred, and pointing out the violation of treaty which 'they involve' (p. 13).

In conclusion came this wise and most important instruction:—'It is to be distinctly understood that no 'act of hostility is to be committed at present, though 'the reply of the Governor should be unfavourable, 'nor until definite instructions regarding such hostilities 'shall be given by the Government of India' (p. 13).

Armed with these instructions the Commodore proceeded to Rangoon. On arriving there he was presented with a list of thirty-eight cases of 'atrocity, 'injustice, and cruelty' towards British subjects, committed by the Governor, which made him doubt whether, 'when the Governor-General came to the knowledge 'of these fresh instances, he might not consider that 'the taking satisfaction for the two cases only would not 'be sufficient, and that he might wish to take further 'steps (p. 30). He therefore withheld his demands on 'the Governor, and forwarded direct the letter from the 'Government of India to the King of Ava, in which 'their conviction was expressed that His Majesty would 'recognise the wisdom of removing the Governor of 'Rangoon from the office he so unworthily filled.'

The Government of India held that in thus

acting the Commodore 'had exercised a sound discretion.'

'If the King,' it was added, 'should recognise the "justice of our representations, all difficulty will be 'happily removed for the present. It will remain 'only to guard against similar causes of complaint for 'the future.'

'At the same time, while it is the imperative duty of 'the Indian Government to maintain the rights of its 'people secured by solemn treaties, it is a duty not 'less imperative that it should endeavour to obtain 'redress by the least violent means, and that it *should* '*not have recourse to the terrible extremity of war, except* '*in the last resort and after every other method has been* '*tried without success*' (p. 32).

The Burmese Ministers, on the receipt of the letter to the King of Ava, at once consented to dismiss the Governor of Rangoon, and also promised to settle all the demands made on them by the Indian Government. So satisfied with the answer was Commodore Lambert, that he remarks :—

'I am of opinion that the King is sincere, and that 'his Government will fully act up to what he has pro-'mised' (p. 34).

The new Governor arrived, removed the former one, but was far from entering upon a conciliatory course of conduct. He caused a deputation from Commodore Lambert, composed of officers in Her Majesty's service, to be treated with insult, and pertinaciously evaded (giving one excuse after another) complying with the really reasonable demands which were made upon him.

In order to bring him to reason, the Commodore, having embarked all British residents at Rangoon on board the vessels in the river, seized a ship belonging to the King of Ava, which was anchored above the squadron. Little effect was, however, produced by this proceeding; the Burmese were evidently bent on hostile measures, and were filling their stockades on the banks of the river with armed men and artillery. The merchant shipping was therefore directed by the Commodore to drop down the river, and in order to protect them he placed Her Majesty's ship, the Fox, abreast of the largest stockades. While there, 'the 'Hermes, with the King of Ava's ship, passed the 'Fox, when the stockade opened on the Fox a 'sharp cannonade, which was instantly returned with 'shot and shell, and the Burmese battery was in a short 'time silenced. On the smoke clearing away not a 'person was to be seen on the shore or in the boats. 'One man was killed on board the Fox' (p. 41).

Thus hostilities were commenced with the empire of Burmah.

The questions are—(1) Was the Commodore justified in seizing the King of Ava's ship? (2) Was he justified in taking the ship out of the river?

By those who take their view of these transactions from the singularly able pamphlet on the subject written by the late Mr. Cobden, the answer to both these questions must be in the negative. Having read that pamphlet with great care, I confess to having set down to re-peruse the Parliamentary papers, with a very strong conviction that Commodore Lambert was greatly

in the wrong, and that his proceedings ought not to have received the approval of the Government of India. But the contents of those papers entirely changed my opinion. The conduct of the new Governor of Rangoon was not only so unconciliatory, but so insulting, that it seems but too evident that the Commodore formed an erroneous opinion when he expressed his conviction that 'the King of Ava was sincere, and would fully act 'up to what he had promised.'

Commodore Lambert showed great forbearance. He was not hasty in a single step. It was a judicious and justifiable step, seizing the King's ship, and one which, *à priori*, seemed calculated to convince the Governor of the prudence of acceding to our requirements. Having once taken the ship, and the necessities of his instructions to institute a blockade obliging him to move to the mouth of the river, he had no choice but to carry the King's ship with him. Probably it was as much as their lives were worth for the Burmese authorities to have allowed the removal of the ship without a show of resistance; but that was no fault of the Commodore, who, when his ship was fired on, had no other course to take but to return the fire. This done, however, no further active hostilities were attempted. The Commodore was mindful of his instructions. For although

'To bombard Rangoon would be easy, yet it would, 'in the Governor-General's judgment, *be unjustifiable* 'and cruel in the extreme, since the punishment would 'fall chiefly on the harmless population, who already 'suffer from the oppression of their rulers even more 'than our own subjects' (p. 32).

How strong then the contrast between our dealings with Burmah, and our dealings with China! In the one case, the Governor-General declared that 'the Indian 'Government could not with justice proceed to the ex-'tremity of exacting reparation by fore of arms, until 'it had communicated with the Court of Ava.' In the other, Dr. Bowring made no attempt at previous communication with the Court of Pekin, before hurling our thunderbolts on the devoted city.

In the one case, the Governor-General held that although it would 'be easy, yet it would be *unjustifi-'able and cruel in the extreme*, to bombard Rangoon, 'since the punishment would chiefly fall on the harm-'less population':—in the other, the merciless Governor of Hong Kong allowed only two days of grace before consigning the innocent inhabitants of Canton to all the horrors of a bombardment.

If Lord Dalhousie were right, how unutterably wrong must Dr. Bowring have been!

The Commodore proceeded to the mouth of the river to carry on the blockade, and took nothing more upon himself, but reported what had passed to the Government of India. Lord Dalhousie, true to the principle which in the outset he had laid down, determined that yet another opportunity should be given to the King to compel his servant to concede the reasonable demands which were made upon him—in the hope thereby to avert the necessity of a further prosecution of hostilities. No redress, however, could be obtained; all our requirements were evaded, evidently by design. No option was left to the Government of

India but to exact reparation by force of arms. War was accordingly proclaimed, and an expedition sent to Rangoon. Any history of the conflict would be here out of place; the only point for discussion in these pages is—was the war a just one?

It assuredly was so: it ended in the signal defeat of the Burmese. When peace was made, the large province of Pegu, with its capital, Rangoon, was annexed to British India, and accordingly ceased to form a part of the kingdom of the monarch, who bears the following titles: 'Meng Tarahgyee Phooye, the all-powerful Lord 'of the Universe—the Master of the Tsattang Elephant '—the Lord of Life—and like unto the Lotus Flower.'

Persia.—It is unnecessary to say much on our war with Persia in 1856. No great evils were brought down upon that country by our hostilities. Whether or no the Persian Government gave Great Britain a just cause of war need not be here discussed. The justification depended on a treaty which the British Government had left unratified for the three years before the war begun, and which they never ratified at all. But there are two points connected with this war which require notice—the one as bearing upon British honour and good faith; the other, as a specimen of the sort of way in which the defenders of these kinds of war seek to justify them to the British public.

(1). Mr. Felix Jones was the political agent of the British Government at Bushire. In that capacity he received great civilities from the inhabitants, and was firmly trusted by them. He knew that a British hostile force was on its way to attack the place, and with this

knowledge he took advantage of the confidence reposed in him to persuade the Governor and people of Bushire (in order to keep them from preparations for resistance) that no hostile British expedition was coming against them; and he actually boasted in his despatches of 'having been able to maintain the illusion till the last moment,' when it was dispelled by the appearance of the hostile armament before the town.

It is by acts such as these, done by the representatives of Great Britain abroad, that the British Government is brought into disrepute, and that the nations of the world are taught no longer to trust in British honour and good faith.

(2). A justification of this Persian war was put forth at the time, by the 'Edinburgh Review,' January 1857. Whether that justification was made out or not, no opinion is here expressed.

But it is against the course pursued by the reviewer, which is only a specimen of that too frequently adopted, that it is necessary here to protest.

Before the reviewer entered into the justification of the war, he thought it expedient to give the very worst possible impression as to the character of the foe. By this course he aroused every prejudice against the Persians; and, feelings of indignation being thus excited, the general reader is betrayed into thinking that war is justifiable upon any, or even upon almost no provocation.

The reviewer accordingly describes the Persians and their Government as 'false to the very core, and 'assuredly little to be expected to act up to the spirit

'of the engagement which they contract' (page 290). Be it so; but if so it be, it must be asked, Why, if this people really are what the reviewer says they are, 'false to the very core,' and 'not to be expected to act 'up to the engagements which they contract,'—why do we induce them, or mayhap coerce them, 'to enter 'into engagements' to which 'we do not expect them 'to act up?' Why force dealings on a people who, according to the reviewer, 'again and again repeat 'the old story of subterfuges and evasions, lying ex-'planations, assurances falsified, and pledges broken?'

Certainly it is neither honest nor honourable to enter into any mutual engagement with those who, you are convinced beforehand, 'will only repeat the 'old story of lying explanations and broken pledges.' It cannot be done without degradation to those who so act.

Why, then, are these things done? The answer is too obvious. These 'engagements,' or treaties, are forced upon reluctant States, in order to furnish the pretence of 'violated pledges' whenever British authorities in the East may deem it expedient, for the purpose of obtaining some long-coveted advantages, to have recourse to violent means to secure them. Such treaties, when broken, afford excuses to casuists like the Edinburgh reviewer, both for vituperating those weak and unfortunate Governments who break them, and for self-laudation of British virtue and good faith.

Siam.—We have compelled the King of Siam to enter into a treaty with this country—by which the rights of British subjects are secured to them. A

British subject accordingly proceeded to exercise his rights. He had a fancy to have a house on a ninety-nine years' lease, after the fashion of the old country, and he persuaded a Siamese lawyer to draw it up. The King of Siam heard of this proceeding, and as, in the course of his reign, he never had the good luck to hear of such a thing as a ninety-nine years' lease, and could not therefore exactly comprehend its bearings, he punished the lawyer for drawing it, and cancelled (no, not cancelled, he was not quite up to that, but tore up) the lease itself.

Here, then, was a *casus belli*. A treaty had been broken: the rights secured by it to British subjects had been violated. Was it to be endured by this great nation, that a British subject resident in Siam should be deprived of the lease which he fancied, because the King could not bring his narrow mind to comprehend its meaning? So we had a hostile 'demonstration' in the Siamese waters, and His Majesty was taught a wholesome lesson. He was initiated into the legal mystery of a ninety-nine years' lease; he was compelled to acknowledge its validity, and to bind himself to concede permission to British residents in his dominions to have their lands and houses on any kind of leases which the phantasies of British law have made familiar to the inhabitants of these islands.

In this way it is that the prestige of the British name has been upheld in Siam!

Japan.—The same system which has been adopted in our dealings with the other independent Oriental nations has been adopted in our dealings with Japan. We first

compelled the Japanese rulers to sign a treaty through the dread of the force which we displayed before them —well knowing that they were sure soon to violate its stipulations. We thus acquired the right—if right it can be called—to have recourse to hostile operations whenever it suited our purpose. It was well known that the Damios—the powerful and semi-independent nobles or princes—were not under the effective control of the Japanese Government. A party of English determined on carrying out their treaty rights, however offensive to the prejudices of these great nobles. They must needs ride in the same road on which one of these Damios was travelling: an attack was made on them by his orders, and two of the party were killed. This was doubtless a great and unjustifiable outrage; but it was a pity to affront the pride and prejudices of a semi-barbarous race.

Compensation was then demanded of the Tycoon—the half sovereign who signed the treaty with Great Britain. He conceded all that was demanded of him. There the matter should have stopped; but, contrary to all the principles of the law of nations, further compensation was demanded of the Damio who was supposed to have instigated the murders. The armament proceeded from the capital, Jeddo, where the Tycoon dwelt, to Kagosima, the capital of the Damio. He refused to concede. Acts of hostility were perpetrated by seizing his vessels, and he was thus betrayed into resenting this hostile act by firing the first shot. He was therefore accused of being the aggressor: the British Admiral commanded a bombardment, whereby

the city, supposed to contain some thousands of inhabitants, was set on fire; it was wrapt in flames, and became a heap of ruins. The Admiral's despatches had much of the same jubilant tone which marked those of Admiral Seymour from Canton, after he had there adopted a similar proceeding. He evidently thought he had performed a great and meritorious exploit; and so, very likely, it would have been considered in England, but for a letter which appeared in the 'Times' from Mr. Cobden, and which placed the transaction in its true light. The admirers of the deed then changed their tone; they admitted that the conflagration ought to be deeply lamented, but affirmed that it was the work of 'accident.' All parties, however, in the House of Commons, when the subject was brought on, combined in deploring the untoward event; and the consciences of those amongst the public who were indignant at the outrage were sought to be quieted by the assertion, that, after all, the number of inhabitants had been greatly exaggerated—that the houses which were burnt were constructed of wood—and that residences with so little stability about them, containing a population of only ten or twelve thousand, was a concern of not sufficient magnitude to justify much sympathy or regret.

There is no reason, however, to suppose that even now in Japan the same system has been abandoned which was carried out in China.

The same consul, Parkes, now Sir Henry Parkes, who issued at Canton that too memorable and disgraceful declaration, which he called 'a declaration of the

truth,' has been selected as the representative of Great Britain in Japan. The 'Overland China Mail' thus writes of him on the 28th of August, 1865:—*

'Sir Henry Parkes has, we hear, commenced diplo-
'matic operations in Japan with his usual cheerful
'activity, firmness, and "pluck." On arriving in
'Yokohama he surveyed the state of affairs, and being
'resolved that all the treaty privileges should be
'observed, and the interests as well as the dignity of
'Great Britain cared for, he soon intimated his inten-
'tion of re-establishing the English Legation at Jeddo,
'a post which has always been one of honour, because
'of danger.'

. . . . . .

'There was some opposition to granting our Minister
'an official residence at Jeddo, but the thing was
'insisted on and carried. This is called a step in the
'right direction—dangerous indeed for the immediate
'actors, but still more dangerous to the Japanese rulers
'should any attempt at assassination or incendiarism
'again recur. The Japanese will spend a little time in
'"taking the measure" of the new Minister, and on the
'results of their inspection will depend the next move
'on the board.'

Can there be any doubt, after reading this paragraph, that (so far as we may be able) the same course is being pursued in Japan, which has been pursued in China?

Such then have been, and *such continue to be*, the dealings of our Government with the weaker nations of Asia.

* Vide the *Times*, October 17, 1865.

It has already been shown how Great Britain has treated the more important and extensive, but hardly more powerful nations of that vast continent. It remains to be seen whether this wicked and disastrous system is to be for all future time the basis of British policy in the East. It evidently is now in full activity in Japan. God only knows how soon we may be at war with that country, or how soon may we again witness a repetition, by British hostile armaments, of those horrors which have disgraced the British name, and have scandalised and affrighted the world.

PART III.

AMERICA. AFRICA.

CHAPTER I.

AMERICA—MEXICO—BRAZIL—AFRICA—SLAVE TRADE.

United States.—In the dealings of the British Government with this powerful nation during the civil war, there does not appear to have been any breach of international law, for assuredly that Government did its best to maintain the neutrality which it proclaimed.

The distinction attempted to be drawn by the Minister of the United States between belligerent rights on land and belligerent rights by sea cannot by possibility be sustained. Moreover, it so happened that the working out of those belligerent rights was singularly to the advantage of the Federal cause: for whereas a Federal ship could seize a British ship laden with contraband of war destined for the Confederate States, and carry it into the Federal ports for adjudication by the prize courts, a British ship laden with contraband of war for the Federal States might indeed be captured on the high seas by a Confederate ship, but could neither be destroyed nor carried into neutral ports, nor yet into Confederate ports, owing to the strictness and general efficiency of the blockade.

The fact therefore remains that British ships laden with contraband of war for the Federal States were not seized by the Confederate cruisers.

This was a singularly fortunate turn of affairs for the Federals; and assuredly, with this great advantage in their favour, they, least of all, have a right to complain of the acknowledgment of the belligerent rights of the Confederates on the ocean.

It is a misfortune that the neutrality which Great Britain tried to maintain between the contending parties was acceptable to neither of them. But the policy of neutrality was a just one; and as, on the whole, we faithfully adhered to it, no real blame can be fairly attached to those by whom it was openly adopted and honestly carried out..

Mexico.—Whatever may be thought of the wisdom of our embarking in conjunction with France in a warlike expedition against Mexico, and of our policy in retiring from it when it was discovered that France intended to interfere a great deal more in Mexican affairs than was agreed upon at the outset—no doubt can be entertained that the injuries which we had received from Mexico fully justified the action which we did take, and that they would have fully justified further co-operation with France had it been deemed expedient to continue it.

What France has endeavoured to accomplish for Mexico would be not only an immense benefit to that land, but, considering its vast resources, its geographical position, and the mischiefs arising from such a country being in a chronic state of anarchy, it

would be also a great benefit to the whole civilised world.

It has been frequently said that what has been done in Mexico is a violation of the Monroe doctrine; but this notion must arise from a misconception of what that doctrine is.

The Monroe doctrine, as laid down by the President of that name in his message to Congress in 1824, is simply this:—

'No part of the American continent is henceforth to 'be open to colonisation from Europe.'

Against even this pretension the then Foreign Secretary, Mr. Canning, twice entered his protest; but it is obvious that the doctrine is not applicable to the present position of affairs in Mexico.

No attempt has been made by France or any other European State to treat Mexico as a colony or a conquered dependency. It was not the will of the French Emperor which placed an Austrian Archduke on the Mexican throne. France gave protection to the mass of the people so as to enable them freely to choose their ruler. Happily for the Mexicans, they seem to have selected a man well deserving of their confidence: but whether, with the materials (apparently destitute of all powers of cohesion) with which the new Monarch has to work, he will ever be able to fulfil his mission, by giving stability to his throne, or by consolidating a constitutional Government, is yet, unfortunately, a very doubtful problem.

Still there is not a word in the Monroe doctrine which, either by implication or by expansion, denies

to any of the independent States of America the right to select their own ruler, although he may happen to be a native of Europe and a member of a reigning family in that quarter of the globe.

Brazil.—There is much to lament in the way in which Great Britain has dealt with this once friendly, but not powerful Empire. There was something peculiar in the position of that country, which should have induced British statesmen to treat it with the utmost forbearance, to do their utmost to strengthen its internal institutions, and to give weight to its influence as a nation. Of all the American colonies which have separated from their parent States and erected independent Governments of their own, Brazil is the only one which has retained the monarchical form of Government, and Brazil is the only one which has not been convulsed by civil war, and which has made a steady progress in prosperity. It was the duty of the British Government to have maintained the most friendly relations with such a Power, and to hold it up as an example to others; but Brazil was a weak State and capable of being easily constrained. The temptation was too strong to resist.

Two causes of quarrel arose with Brazil.

(1). The arrest of some officers of the Royal Navy out of uniform.

(2). Some British sailors, who were shipwrecked on the northern coast of Brazil, were supposed to have been murdered by the inhabitants.

For these two deeds the British Government sought redress—they were unable to obtain it. So a British

armed force entered the harbour of Rio de Janeiro, and humbled the Government by enforcing redress at the cannon's mouth.

With regard to the first ground of offence, it is unnecessary to say more than that when the case was referred to the King of the Belgians, he decided it in favour of Brazil.

With regard to the second, it seems that the British Government were in the right (if they could have substantiated their facts) on the strict principles of international law. If a shipwrecked crew are plundered, injured, or killed by the inhabitants, the Government of the State to which these wreckers belong is undoubtedly answerable for their misdeeds. But in the case of the wreck on the wild Brazilian coast, in a distant province of that vast empire, where the restraints of law are of the weakest kind—where the evidence which was brought forward to prove the crime was very doubtful, it was a strong measure to coerce the Brazilian Government in the harbour of its own capital, to make ourselves judge and executioner in our own cause, by employing force to wring from that Government a compensation which it denied to be justly due; but it was singularly unfortunate that the demand was coupled with complaints about another grievance, which the arbitrator to whom the British Government consented to refer it decided was no grievance at all.

The mischief which has arisen from this manifestation of force has been considerable. In the first place it produced great irritation in the minds of the Bra-

zilian Emperor and his Ministers; and the humiliation to which he was subjected gave a rude shake to the stability of his throne, which it is the true policy of this country to do its utmost to support.

In the second place, it was too generally considered as an additional example of the propensity of the British Government to enforce on weak States demands which it would not attempt to enforce on strong ones.

Africa—Slave Trade.—On our dealings with the nations of Africa few remarks are required. We have kept up on the coast stations on land, and a squadron by sea, in order, if possible, to destroy the slave trade—and this has been done at a lavish expenditure of the lives of British subjects and not an inconsiderable expenditure of British money. There is something very noble and chivalrous in this proceeding, which if it stood alone would, no doubt, have helped to give us a character for disinterestedness in the eyes of foreign nations, had it not been marked with such inconsistency in other matters connected with this trade, which amaze and puzzle other peoples, and lead them to believe that we act entirely on motives of selfishness and a regard for our own special interests.

Of the two crimes, slave trading and slavery, there can be no doubt that slave trading is far more cruel, culpable, and wicked than slavery. Slavery may have its horrors, but at any rate there are some mitigations, which act exceptionally in the working of the system; for benevolent Christian owners of slaves have often and often, by their judicious and merciful treatment of them, made their condition quite as good as that of

ordinary peasants, even in highly civilised and free countries.

The condition of the Irish peasantry before the famine in 1846 was far worse than that of our slaves in the West Indies at the period of their emancipation.

'Would to God that we were negroes!' was a forcible and not altogether inappropriate ejaculation of the late Mr. O'Connell.

But in the system and practice of the slave trade there are no bright spots—no means whatever of alleviating its horrors. It is one dead level of iniquity, cruelty, and outrage—no transient gleam of sunshine ever lights on its miserable victims.

The same House of Commons which gave twenty millions of the public money to emancipate our slaves, and to free the British name from the shame of holding human beings in a state of slavery, in spite of the most earnest warnings, passed a measure, for the sake of free trade and of having sugar some farthing a pound cheaper, which Lieutenant Yule, an advocate of the African squadron, truly described as one which 'might 'well have been entitled a Bill for the better promotion 'of slavery and the slave trade in South latitudes.'

By the Act slave-grown sugar was admitted into English markets on equal terms with sugar produced by free labour.

The effect of this has been, as predicted at the time, that most of our West Indian colonies have been ruined: and, as was strongly pressed by the late Sir Robert Peel as a certain result, Cuba and other slave-trading States have carried on the slave trade with

previously unexampled vigour, and flourished under its operation.

No wonder that such strange policy should puzzle the other nations of the world,and lead them to put an unfavourable interpretation on acts which are so contradictory, that it is difficult, if not impossible, for any one to reconcile in a satisfactory way their anomalous and inconsistent character.

PART IV.

CONCLUSION.

CONCLUSION.

EACH separate subject in the preceding pages would admit of indefinite amplification. But, such is the general distaste of the British public to inform themselves on matters of foreign policy, that almost the only chance that exists of drawing public attention to the subject is by condensing all the statements into as narrow a compass as shall not be incompatible with enabling the reader to form a just appreciation of the arguments.

I know that had I entered more into details, I might have strengthened every argument, and rendered more forcible every conclusion. But, in order, as far as possible, to secure attention, I have eliminated every fact and argument not essentially necessary for my purpose, and I have resisted constant temptations to deviate into extraneous matters. The reader must not, therefore, imagine that all *has* been brought forward which *can* be brought forward. He may rest assured that what has been omitted would, if introduced, only serve to help the arguments, and to strengthen the conclusions.

If what the preceding pages contain be not strictly accurate and true—if they contain any false, ay, and I will add, any exaggerated statements—on the

writer must fall that scorn and contempt which is the just penalty of falsehood and exaggeration.

But, as I solemnly aver that I believe that I have rather understated than overstated the case, I ask my readers if these pages do not explain the causes of the two remarkable phenomena which now puzzle this nation?

(1). That the reign of force without any real moral antagonism is now established throughout all the four quarters of the globe.

(2). That Great Britain is no longer honoured and trusted as she was—her statesmen having lost that moral influence which, quite as much as physical fear, serves to restrain unscrupulous Governments in a career of wrongdoing.

To those who are old enough to remember the high estimation in which Britons were held in all parts of the world before 1830—in those bright days when Lord Palmerston in opposition emphatically laid down the principle that 'every nation has a right to regulate 'its own affairs as it pleases, so long as it injures not 'its neighbours,' and with a righteous energy called on the then Ministry strictly to adhere to it—the change which has taken place is as striking as it is painful. It is certain that the diplomatic agents of Great Britain on the Continent have not lately dared to discuss politics in mixed society, for fear of the observations which were too sure to be made derogatory to the country which they represented.

It is not once nor yet twice that the policy of the British Government has been ruinous to the best interests of the world. It is not once nor yet twice that British

deeds have aroused the indignation and horror of 'highly civilised and half-civilised races.'

Disregard of international law and of treaty law in Europe—deeds of piracy and spoliation in Asia—one vast system of wrong and violence, have everywhere for years marked the dealings of the British Government with the weaker nations of the globe.

These are indeed serious accusations. Nay, but has not their truth been proved in the preceding pages of this work? Have I not called, as witnesses to establish my views (neither prejudiced Tories nor maudlin philanthropists, but), such men as Lord Russell, as Mr. Gladstone, as Mr. Cobden, and as Sir Henry Pottinger? Has not Burnes testified to the fraudulent manipulations of his despatches in order to deceive the British Parliament and nation into sanctioning an unrighteous war? Did not Seymour, and Bowring, and Parkes justify their Canton hostilities (such hostilities, alas! as no offensive acts whatever on the part of the Chinese authorities could justify) by a pretext which they knew to be false at the time when they used it? And did not the British Ministry give their public approval to this conduct? Did not Mr. Felix Jones (our political agent) boast that, having gained the confidence of the inhabitants of Bushire, he took advantage of that confidence (in order to prevent preparation) to persuade them that their city was in no danger of any hostile attack, until the delusion which he had laboured to create was dispelled by the appearance of the British fleet in the offing? And has this man been publicly and signally disowned for conduct so injurious to the honour of his country?

But the worst omen which belongs to this state of affairs is this. The great majority of the people of this country, unconscious of its real position, do not care for foreign policy; and it is generally difficult, and sometimes impossible, to rouse them to a sense of its importance. They feel that, generally speaking, in our internal relations we are, in comparison with others, a highly religious and moral people. They see large bodies of men, associated to propagate the Christian faith in foreign parts, collecting money throughout the realm, and through voluntary contributions raising a vast revenue for that purpose, and they think it impossible that the Government of a people who can so act would ever treat the objects of their religious philanthropy with cruelty, injustice, or oppression. They think that if this were really done, the members of this great society would loudly remonstrate and proclaim the futility of preaching Christianity through missionaries, when the example set by the Government of those missionaries was directly antagonistic to the doctrines which they preached. Why the obstacles to their success, arising out of our foreign policy, which must meet them at every turn, have not been denounced by them long ago, it may be difficult to say; but the fact remains that it has not been done. The society seems on these matters to be paralysed with the same lethargy which, unhappily, afflicts the mass of the British people; and the consequence is, that its laches have intensified the evil and helped to confirm the delusion created by such high-sounding phrases as that 'highly civilised races expect justice, honour, and good faith.' The public have

thus been led to fancy that what it is asserted the highly civilised race expects from the half-civilised one, has been practised by those who have arrived at this high degree of civilisation. The consequence is, the British people have at the eleventh hour to make 'the 'discovery that their Government has been pursuing a 'course of policy of which they have never heard,'* or at any rate which they have never understood.

Now if it so happen that anyone should take up this book, and instead of looking at it from the beginning, were to open it just two pages back, and to read what is therein contained, the probability is that he would throw it down either in anger or with disgust at the author as one bringing false accusations against his country; or mayhap it might be thrown down in pity for one whom he would suppose to be not in his right mind. But if he read the pages of this book the right way, from the beginning, he will find that step by step, logically, on official authority, and on Parliamentary testimony, the truth has been faithfully unrolled, and that even stronger language might have been fairly used to stigmatise the deeds which they record.

It is indeed a most painful task to tell damaging truths about one's own country; but if it be asked, *Cui bono?* why labour to set forth and expose to mankind the deeds which one deplores? the answer is, that to foreign nations all these deeds are perfectly well known—to them they are no revelations. It is, alas! to the majority of Englishmen that they are unknown.

* *Times*, Sept. 16, 1865.

They have no correct notions of the true bearing of the foreign policy of their Government as a connected whole, nor do they trace the direful consequences really resulting from that policy to their true source.

In the exposure of these misdeeds in all their naked deformity, lies, I believe, the only hope of amendment for the future. If this nation can be but once aroused to their true character, these acts would be so revolting in its eyes, that woe betide the statesman who should dare to repeat them! It is not that the English public have approved them—it is that they have not rightly understood their nature. Once thoroughly rouse public indignation, and there is a sure and certain hope of amendment. To bring about this amendment is the one single object of this work. Japan has yet to be saved from the fate of China.

A generation or more, however, must pass away ere England can reinstate herself in the high position which she held before this disastrous policy blasted her fair fame, and made her name a by-word for bad faith and violence throughout the world.

The management of our foreign affairs has now passed into other hands. A more glorious task can hardly be imagined than that of endeavouring to regain for England the respect and confidence of mankind; but the great difficulty of the task must not be underrated. The power to effect any great results has been so fearfully crippled by the past, that, with the best intentions and with great abilities, the present occupant* of the Foreign Office will find it a most

* The Earl of Clarendon.

arduous labour to work with efficiency, considering the weakness which he has inherited. For, it must not be forgotten that a State cannot affirm a great principle to be part of the law of nations for a long series of years, set it at nought for another long series, and then expect, by asserting it anew, that it will be at once accepted as binding by other countries. Much, however, may yet be accomplished to re-establish the reign of international law throughout the world, but it will require both time and determination.

Facilis descensus Averno,

. . . .

Sed revocare gradum:

Hic labor, hoc opus est.

APPENDIX.

The following chapters relate to subjects of foreign policy, which, had they been introduced into the body of the work, would have broken the thread of the argument.

APPENDIX.

CHAPTER I.

SPAIN AND PORTUGAL.

TOWARDS the autumn of the year 1854, the strange notion was ventilated (as the phrase is) in the newspapers of the then King of Portugal being called on to mount the throne of Spain.

A revolution had shortly before taken place at Madrid, which had ended in the overthrow of the power of Queen Isabella as well as in that of the unpopular camarilla who really exercised it in her name. The Queen-Mother also, of whom that camarilla were the instruments, had been forced to leave Spain and to seek refuge in a foreign land; and for some time it was very doubtful whether the Spanish people would consent to submit to the nominal sovereignty of Queen Isabella, and whether the united influence of Espartero and O'Donnell would be able to reconcile her to her people.

For some time previous to the crisis, and more especially during its progress, the correspondents of the press, both at London and Madrid, were constantly suggesting the idea that, in the event of the throne becoming vacant, the most fitting successor to the Queen would be the young King of Portugal, who, though related by descent to the Spanish royal family, was yet separated from the crown of Spain by many much nearer relations. The politicians in these two capitals were not a little surprised at these repeated announcements: well knowing, as they did, that there were no manifestations in either which could at all justify the belief that any consider-

able party in either country looked with favour upon such a scheme. It was evident indeed to those who watched these manœuvres, that it was not the manifestations of public opinion which suggested the idea, but rather that the correspondents were taught to *suggest* it to the public, putting it forth as a *feeler*, to ascertain how it would be received.

About this same period visits were paid to the French Emperor at Boulogne by various members of the Cobourg family; and these visits gave rise to reports that they were connected with some designs which that family were supposed to entertain on the throne of Spain, in favour of so distinguished a member of it as the King of Portugal.

At that period Queen Isabella had only an infant daughter (the Princess of the Asturias), whose accession to the throne, in the place of her mother, it was generally supposed would not be acceptable to the Spanish nation.

In the event of the infant Princess being set aside, the next heir to the Queen was her sister the Duchesse de Montpensier.

It was known, however, that the succession of the Duchess would be very unacceptable to the Emperor of the French, as it would place in power at Madrid a member of the house of Orleans, a son of Louis Philippe, ex-King of the French, whereby there would be established at Madrid a dynasty naturally hostile to the French Emperor. Hence probably arose both the idea that His Imperial Majesty would look with favour on the King of Portugal's succession to the Spanish crown, and the reports that that succession was pressed upon him at Boulogne by the different branches of the Cobourg family.

Since this period, the list of those who stand in the order of succession to the crown of Spain has been materially changed: some have disappeared through deaths—others have been added by births. But, before touching on the points connected with that succession, it may be well to consider what political effects on the position of this country would have arisen, if the scheme for placing the King of Portugal on the Spanish throne had been carried out to its completion.

If the King had abdicated his Portuguese crown in favour of his brother, and if his brother had renounced all claim to the Spanish succession, so far as Great Britain is concerned his taking the crown of Spain would have been but of small importance; but if the consequence of his accepting the Spanish crown would have been then, or at any future time, that the two crowns were to be united on the same head, the union would unquestionably be very injurious to British interests.

The independence of Portugal has ever been considered by the ablest British statesmen as of the greatest moment to this country. Were Portugal under the dominion of Spain, if Spain were hostile to England the whole peninsula would be hostile. It was the opinion of Napoleon I. that with Gibraltar ours and an ally at Lisbon, we might face the combined hostility of France and Spain without alarm. Should therefore such a combination unhappily arise, and that, as a necessary consequence of the union of the two nations of the peninsula, Portugal were our enemy and not our ally, not only the harbour of Lisbon, but the harbour of Oporto would be closed against us, and a great increase of danger and difficulty to this country would unavoidably arise.

It is in the very nature of things that French influence should be more powerful at Madrid than British, but so it is in the very nature of things that British influence should be more powerful at Lisbon than French. Let Lisbon be governed from Madrid, what becomes of British influence in the peninsula? The Earl Grey (the Premier) urged in strong language the great danger of France possessing too great influence over the affairs of Spain as she was, and still remains; but that danger would be of course materially increased, if to great influence over the affairs of Spain were added equal influence over those of Portugal.

It may therefore be laid down as a fundamental principle of British policy that under all circumstances British Ministers ought to oppose any union of the two crowns of Spain and Portugal upon the same head. Fortunately such a union is never likely to be acceptable to the Portuguese people.

There is no reason to believe that their opinions on the subject are at all different from what they were upwards of two hundred years ago, when, after sixty years of subjection to the yoke of Spain, they threw off *in one single day* the Spanish rule throughout the Portuguese dominions in Europe, Asia, Africa, and America—John, Duke of Braganza, assuming the sovereignty and permanently securing the independence of his country.

This question has now gone by, but it is impossible to say that in the course of events it will not again be revived.*

The principle of the separation in perpetuity of the two crowns is not recognised (I believe) by any international agreement, but it is not the less essential to be maintained for the preservation in Europe of an international equilibrium.

Equally essential, if not even more so, is the principle that the two crowns of France and Spain ought never to be united on the same head.

This principle is affirmed by the treaty of Utrecht, which was recognised as valid by the Congress of Vienna in 1815. This treaty (if treaties of any kind can any longer be appealed to by British statesmen) is still in force, and the same motives which induced the statesmen who signed it, to provide in perpetuity against the union of the two crowns of France and Spain on the same head, have ever since existed, and exist now as strongly as ever.

The chances, however, of that union arising from the marriage of the Duc de Montpensier with the Spanish Infanta, sister of Queen Isabella, it must be admitted, are greatly diminished. First, in consequence of the Queen having male issue, and her throne having obtained a more stable character than it then had. Second, in consequence of births in the Orleans family, which remove the Duc de Montpensier still further from the succession than he then was, in the event of the house of Orleans again mounting the French throne.

Still, in a matter of such moment, nothing ought to be left to chance. Royal families with numerous progenies do become

* It *has* been revived since this sentence was in print, when the King and Queen of Portugal passed through Madrid, January 1866.

extinct, and the order of succession is often very capricious, as for instance in the case of our own Queen, who is the only child of the fourth son of Her Majesty's grandfather, George III.

If, then, the descendants of Queen Isabella were to become extinct, and if the Duc de Montpensier were to become the heir and representative of the house of Orleans, and that that family should be restored, the contingency to be dreaded would occur—the two crowns would be united.

Lord Palmerston, therefore, most wisely demanded from the Government of Louis Philippe, at the time of the Montpensier marriage, that the usual course should be pursued; and that, in compliance with the stipulations of the treaty of Utrecht, the Spanish Infanta, before, or at the time when, the celebration of the nuptial ceremony took place, should renounce her rights to the Spanish crown for herself and her descendants.

The French King and his Minister, M. Guizot, met that demand by a bold and unequivocal assertion that, in similar cases of the union of those who, standing in the relation of presumptive heirs to the French crown, had married princesses standing in the same relation to the crown of Spain, no such acts of renunciation had been executed by those princesses. At the period when this reply was given, no documents had seen the light which proved that this assertion of the French King and his Minister was not founded on fact. The British Foreign Secretary was therefore forced to ground his objections on the treaty of Utrecht, and to assert the obligations of that treaty, even supposing that, in cases where the danger was less imminent, the fulfilment of those obligations had not been by other States required.

But, since the fall of Louis Philippe, State papers have come to light which indisputably prove that the King and his Minister knew that what they asserted was not true. The renunciation had been made in 1809 by the King's own wife, a Neapolitan princess, on the occasion of their marriage. His Majesty himself, in 1842, stated in writing to M. Guizot that this renunciation was made in compliance with the

stipulations of the treaty of Utrecht:—'*Lors de mon ma-*
'*riage avec la Reine, qui a fait cette renonciation par suite*
'*des obligations du traité d'Utrecht, &c.*'

Now '*la Reine*,' as a Neapolitan Princess, stood very remotely in the succession to the throne of Spain; Louis Philippe also stood remotely in the succession to the French Bourbon throne, which was then occupied by the first Napoleon in the plenitude of his power. But so binding were the 'obligations du traité d'Utrecht' that the Princess executed her renunciation. Now the Duc de Montpensier was the son of the actual monarch of the French, and the Spanish Infanta was next heir to the throne of Isabella; if, then, in the case of Louis Philippe and his wife, these obligations were so binding, how much more essential must they have been when the two parties to be united stood in such close proximity to the two crowns!

But the Queen's was not an isolated case. When the Duc de Berri in 1816, the Prince de Joinville in 1842, and the Duc d'Aumale in 1844 married princesses in the line of succession to the crown of Spain, one and all of those ladies renounced. These facts prove that those dynasties in Europe whose family interests were involved held that the treaty of Utrecht was then a valid and binding instrument.

With a blindness, however, which is very remarkable in a monarch supposed to have been particularly acute, Louis Philippe, in order to grasp the Spanish inheritance for his son, did not hesitate to pronounce that treaty to be obsolete in the correspondence which took place on this subject between the Courts of Paris and London. Now, if the treaty of Utrecht be not a binding instrument, forming part of the public law of Europe, the Orleans branch of the house of Bourbon is *not* the next in legitimate succession to the throne of France after the demise of the Comte de Chambord, should that representative of the elder branch of the Bourbons die without male heirs. The family of Orleans is descended from a brother of Louis XIV., whereas the Spanish Bourbons are the lineal descendants of that monarch; and it is only because the grandson of Louis XIV. when he became King of Spain, did,

in compliance with the stipulations of the treaty of Utrecht, renounce for himself and his heirs for ever all claims to the throne of France, that the house of Orleans are the legitimate successors to that branch of the family of which Charles X. was the last king *de facto* and *de jure*. So that deny that this treaty is still part of the public law of Europe, and *ipso facto*, a whole host of competitors are let in, whose hereditary claims to the Bourbon throne would all stand before those of the house of Orleans.

The two questions discussed in this chapter are at present (1865) gone by and obsolete; but in the progress of events it is impossible to say how soon it may be before they again crop up; and so long as the geographical configuration of Europe remains the same, so long will these questions, whenever they do crop up, be of the greatest importance to the interests of this country.

It is therefore essential that British statesmen should ever bear in mind that they ought never to consent either to the union of the two crowns of France and Spain, or to the union of the two crowns of Spain and Portugal.

CHAPTER II.

ALIEN LAWS.

IN the month of February 1852, deeply impressed with the false position in which England stood towards foreign States, I wrote the two following letters on the subject of the Alien Laws.

I reprint them here, because I see no reason to think that they are less applicable to the present times, than they were to the period at which they were published.

Six years after they appeared in print the Government (at the time when Orsini made his attempt to assassinate the French Emperor) embodied the principles which they advocate in a Bill, which, after the first step had been triumphantly carried, ended in the overthrow of the Government by a considerable majority in the House of Commons.

The Bill, thus rejected, was very simple. It was an enactment to make conspiracy to murder a felony instead of a misdemeanour. A good deal was said at the time of the then Foreign Secretary (Lord Clarendon) having omitted to answer a despatch of Count Walewski on this subject; but his reason for so doing was a wise one. The facts stated in the despatch were true; they therefore could not be denied. The inferences drawn from the facts were logically correct. The best and only dignified answer which could, under such circumstances, have been given, was not to contest what was true, but to do what was right. This was done by the Foreign Secretary; but, with a perversity, not creditable to the House of Commons, they acquiesced in measures and acts which were mischievous and indefensible; but when a really honest good measure was submitted to them, they rejected it, and turned out the Government which proposed it.

To the Editor of the 'Morning Herald.'

Feb. 10, 1852.

SIR,—The time is fast approaching when the present state of the laws affecting aliens in this country will force itself on public attention. It is most earnestly to be desired that the British Government may at once turn their minds to its consideration, and announce something definite on the subject when Parliament meets, that the measures which it will be assuredly necessary to adopt may be the result of our own sense of what is due, in justice to neighbouring nations, rather than they should be forced upon us by their just menaces and angry expostulations.

As the law exists at present, any foreigner may come and take up his residence in this country, just *when* he likes, and where he likes; and if he commit no breach of our domestic laws, if he conspire not to overthrow our own Government, he is at perfect liberty to meet and to conspire with other aliens against all the other Governments in the world. The British Government protects not only his person but his conspiracies, and if a neighbouring State remonstrate, the Foreign Secretary is obliged to answer that the laws of England do not furnish the Executive with any power to restrain his proceedings or to interfere with his machinations.

There can be no reasonable doubt that this conduct on the part of this country is a decided violation of the law of nations; that it is opposed to the duties which one State owes to another, and, therefore, that it is even a legitimate cause of war against the nation which deliberately perseveres in it. The Government which returns such an answer must be well aware that it is one which neither can nor ought to satisfy the State to which it is given. It may, for the time, personally exonerate a minister from blame, but *only* for the time; for unless a Government seeks to be invested with power to enable it to act with justice towards other nations, it must share in the responsibility for the delinquency for which it will not seek a remedy.

It is impossible to show any difference in principle between the permission on our part to exiles to conspire and issue their proclamations to their disaffected fellow-countrymen, from a place of safety within our dominions, and the neglect of the Government of Washington to arrest the piratical expedition of Lopez in Cuba.

It is true that in the latter case the proceedings of Lopez were a violation of the laws of the United States; and that the proceedings of the Socialist propaganda in London are not a breach of the existing laws of England. But however that may alter the relative state of the question as between Lopez and the Government of Washington, and that of the Socialist propaganda and the Government of England, yet it is obvious it does not affect the question as between the States which may be injured and the States from whose territory the injury originates. The expedition of Lopez, fitted out in one of the ports of the United States, was equally an unjustifiable injury to Spain, whether it happened to be or not to be a violation of their laws; and it is a fatal and inexcusable error to look upon these proceedings of foreign exiles as a simple question between them and the English Government, to be determined by principles of internal police.

It is, in truth, a great question of international law; it is a question, how far England is fulfilling her duties towards the nations that surround her, in protecting those who make her territories a focus of conspiracy against the existing Governments of those nations. No language can be more explicit on 'this point than that of Vattel. 'One State,' he says, 'owes 'to another State whatever it owes to itself.'—Book II. sec. 3. 'Every nation is obliged to cultivate the friendship of others, 'carefully avoiding whatever may kindle enmity.'—Book II. sec. 12. 'This general principle prohibits all nations every 'evil practice tending *to create disturbance and to foment* '*discord* in another State.'—Book II. sec. 18.

There can be no doubt of the inferences logically deducible from these passages. First, one 'State owes to another State 'whatever it owes to itself.' Can it be doubted for an instant that a Government owes to itself to protect itself from the

machinations of those who are conspiring its overthrow? And that if this propaganda directed their proclamations against the English Government, forthwith that Government would owe it to itself to put down and to punish them? What then the British Government owes to itself, it owes to neighbouring Governments, and therefore it should deal out the same measure of protection to those Governments which it would deal out to itself. But, again: every nation is obliged carefully to avoid 'what may kindle the enmity of others.' Can anything be more likely 'to kindle enmity' than a State protecting exiles in their conspiracies and their denunciations against the ruling powers in other countries?

How should we have liked in 1848 a junta of Irish *soi-disant* patriots, who had fled from Ireland and assembled at Cherbourg,* directing from thence all the movements and encouraging all the plots of the discontented Irish against England? Would it not have inevitably 'kindled our enmity' against the nation that allowed it? But, as if these principles were not enough, Vattel distinctly lays it down that all nations are prohibited 'every evil practice tending to create 'disturbance or *foment discord* in another State.' No words can possibly be plainer: allowing any parties in evil practices tending 'to foment discord in another State,' is a breach of the law of nations; and that is precisely what England does when she tolerates the proceedings and protects the persons of the Socialist propaganda.

It is to be hoped that a sense of justice will induce the Government of this country speedily to take the initiative in this matter; that they will not be deterred by any false notions of liberty from demanding such powers from the Legislature as will enable them to discharge the duties which they owe to foreign States. To be driven into what is just and right by threats and remonstrances would be degrading to the honour of this country; but it would be still more fatal to that honour to resist demands of which justice would command the concession, and to be involved in an indefensible

* So close to our shores would be a very different affair from the other side of the Atlantic.

war because we choose to violate the law of nations. It is earnestly to be hoped that by a speedy declaration of our intentions England may be spared the humiliation of the one alternative, or the calamity of the other. But, assuredly, there is no time to be lost.

That these islands may ever be, as they ever have been, a land of refuge, alike for exiled monarchs and for exiled rebels, is, indeed, most earnestly to be prayed for; but whether these exiles be kings or subjects, the condition on which they should enjoy protection is, that England should be a sanctuary for safety to themselves, not a *position* for aggression on others.

I am, Sir, your obedient servant,

LEX PUBLICA.

To the Editor of the 'Morning Herald.'

Feb. 14, 1852.

SIR,—Lord Granville having, in a circular despatch to Her Majesty's diplomatic servants at Vienna, St. Petersburg, Paris, and Frankfort, made known the intentions of Her Majesty's Government with regard to aliens seeking an asylum in this country, I wish to offer upon his despatch a few observations.

To many of the observations which it contains no objection can be made, but the practical conclusion drawn from them would appear to be the direct reverse of that to which they would legitimately lead.

On the fitness of jealously preserving this land, as a land of refuge for exiles of all political creeds, and *even for political offenders*, there is no difference of opinion. The single point at issue (and it is one with which the question of refuge ought not to be mixed up) is, whether security of person ought to be allowed to be converted into security for conspiracy against foreign Governments in amity with Great Britain?

The two questions are perfectly distinct. The first—as to

what persons a State shall admit as sojourners or denizens within its dominions—is one of internal regulation; but the second—viz., conspiracy against foreign Governments by those sojourners or denizens—involves the duties owed by that State to the great family of nations.

Lord Palmerston, it appears, in 1848, remonstrated with the Envoy of the United States against proceedings 'of the 'most hostile character towards the British Government,' which in the autumn of that year took place within the territories of the Union. 'Not only,' he said, 'had private associations 'been formed, but public meetings held, for the avowed pur- 'pose of encouraging, assisting, and organising rebellion in 'Ireland;' and he justly denounced 'these conspirators in the 'United States against the peace of a country in friendly re- 'lations with their own Government.'

Now, Lord Granville affirms that 'Her Majesty's Govern- 'ment adheres to the principle laid down by Lord Palmerston 'in this note of the 30th of September, 1848, to the Envoy of 'the United States.' That is, the British Government adheres to the leading principle set forth in that note—viz., that any State has a right to complain and remonstrate against another State's allowing 'private associations being formed, and public 'meetings being held,' in the dominions of that other State, 'for the avowed purpose of encouraging, assisting, and or- 'ganising rebellion,' in the dominions of the remonstrating State. Her Majesty's Government, then, admit that this is a grievance, against which complaints may be justly made. But in admitting this they admit much more, for the right to complain necessarily implies the right to redress, and it is quite clear that the redress which satisfied Lord Palmerston cannot reasonably be expected to satisfy other States.

'Lord Palmerstondid not,' says Lord Granville, 'ask in that 'note for any change in the American laws, and he expressly 'forbore to press the President of the United States with repre- 'sentations against the offenders; but merely said that those 'who visited a country in a state of insurrection must take their 'chance like people whom curiosity might lead into a field of 'battle, and that the American Government must not take it

'amiss if citizens of the United States who visited Ireland at 'that time were involved in the consequences of measures aimed 'at men of a different description.' Such language as this was undoubtedly the only becoming language in the mouth of a minister of England, whose internal laws, like those of the United States, give him no power to prevent persons 'encou-'raging, assisting, and organising rebellions' in neighbouring States. Had he, therefore, 'pressed' the President to put an end to such proceedings, he would at once have been met by the reply, 'What right has the British Government to ask the 'United States to do what it does not do itself?' But very different is the position of those States whose laws *do* allow them to put down and punish persons who should so 'abuse 'the hospitality' which they enjoy. Those States would, fairly, think that England cannot justly plead internal regulations as a valid excuse for the non-fulfilment of international obligations; and they would correctly argue, that although the British Government, owing to its *peculiar* position, 'expressly 'forbore to press the President of the United States against 'the offenders,' they *who were not in that peculiar position* had a perfect right to press the British Government against similar offenders, and even to insist on England 'changing 'her laws,' if necessary, to enable her to fulfil the duties which she owes to surrounding nations.

Lord Granville, by adopting Lord Palmerston's principle, admits the grievance, acknowledges the right of remonstrating against it, and the necessity of redress. But he goes further; he avers that 'Her Majesty's Government highly 'condemn any attempts on the part of foreign refugees in 'England to excite insurrection against the Governments of 'their respective countries.' He describes such conduct as an 'abuse of the hospitality so liberally accorded to them by the British laws;' but, with a strange inconsistency, he at the same time refuses to propose to pass any law to enable his Government to prevent the attempts to excite insurrection, which he 'condemns' as the 'abuse of the hospitality' which the 'British laws accord.' He does this on these, assuredly, very insufficient grounds. 'If,' says his Lordship, 'a discre-

'tionary power of removing foreigners were vested in the 'Crown, appeals would be constantly made by the dominant 'party in foreign countries for the expulsion of their political 'opponents who might have taken refuge in Great Britain.' But this is a gratuitous assumption, directly opposed to past experience, for during the many years that this 'discretionary 'power was actually vested in the Crown' Lord Granville will in vain search the archives of his office for any such 'appeals.' And if ever there was a time when it was probable such appeals would have been made, assuredly it was during the years of the ascendancy of the Holy Alliance, when that union of monarchs having put down by force of arms our newly-created constitutional Governments in Europe, England was full of exiles. These appeals, however, were not made, and for two good reasons, now, as then, equally valid—first, that it was well known that no British Minister would dare to act against the long-recognised and long-established principle of making Britain a secure refuge for political refugees of all shades of opinion; secondly, because the vicissitudes of political affairs had been so great that it was not the interest of the 'dominant party' to make appeals against those who, by a turn of fortune's wheel, might be placed in a position to make similar 'appeals' against themselves.

The decision of Her Majesty's Government on this question is, therefore, deeply to be deplored. Lord Granville is quite right, and the sentiment is highly creditable to him, when, with true English spirit, he avers, 'Her Majesty's Government 'cannot consent, *at the request of foreign Governments*, to 'propose a change in the laws of England;' but that is no reason whatever for their not proposing a change when the principles of international law require such change at their hands.

'This country,' said Mr. Canning, 'was naturally and neces-'sarily (and long might she continue to be so) the asylum 'for the beaten. As that asylum, she had a right to inscribe 'over her gate, "All ye that enter must leave plots behind. '"You must leave behind your party feuds and your political '"squabbles, for you come here to seek an asylum for repose

'"—not a workshop where, without danger, you may forge
'new treasons."'

This is the really sound principle by which this nation should be guided, and most earnestly is it to be wished that the British people would look a little to the future, and consider the dilemma in which they may one day be placed by adherence to the proposed policy.

For, supposing that all the absolute Governments on the Continent were to unite in insisting on the British Government preventing their exiled subjects from plotting their overthrow, in that case England must do one of two things—she must either submit to the humiliation of changing her laws at the dictation of foreign menace; or, refusing to change her laws, she must engage in a war to defend a pretension which no writer on international law allows to be just, and which is essentially at variance with all those reciprocal duties which one nation owes to another.

Of these two courses, the first, however humbling, would be far the best. May England be ever as ready to draw the sword in a just cause as she ought to be determined never to draw it in an unjust one. But, far better would it be at once to be just, for justice's sake, than to wait to be goaded and driven into acting rightly by the too-reasonable menaces of hostile Powers.

I am, Sir, your obedient servant,

LEX PUBLICA.

CHAPTER III.

THE CRIMEAN WAR.

It is not here intended to enter at large into the causes or the history of the war with Russia into which Great Britain and France entered in the month of April 1854, but only to discuss one or two important points connected with it.

The chief cause of this war may be very briefly stated. The Emperor of Russia had (as every Russian ruler must) long coveted the possession of the Bosphorus and the Dardanelles —those narrow straits which guard the entrance to the Black Sea, on the coasts of which the fairest and richest provinces of his vast empire are situated.

Seeing that the professed policy of England was guided, not by any fixed principles, but by 'the special circumstances of each particular case,' His Imperial Majesty thought that the time was come when the 'special circumstances' of Turkey and the irregular policy of Great Britain were such, that if he offered her a fair temptation in the possession of Egypt, her statesmen would not be unwilling to allow him to annex to his own dominions that portion of the Turkish empire which it was so important for him to possess. Thus impressed, he made the celebrated confidence to the British Envoy at St. Petersburg, Sir Hamilton Seymour, respecting the dying condition of 'the sick man,' and the necessity of settling beforehand how, when he did die, his effects should be divided amongst his friends. At this time Lord Aberdeen was Prime Minister. He was a great admirer of the Czar, and, as the phrase was at the time, he was 'his friend of forty years' standing.'

The reception that these proposals met with from Lord Aberdeen was such as not to disabuse the Czar of his notion that the opportunity was favourable for carrying out his scheme. Provided he could have this country on his side —or even only neutral—he believed he could carry his point. He was afraid of neither Austria nor Prussia; the only combination against him which he dreaded was that of Great Britain and France. In the probability of such a combination he had little faith.

Therefore the Czar thought that the time had arrived when he could safely coerce the Sultan, either by compelling him to consent to give him such power over the subjects of Turkey who were members of the orthodox Church as would for the future make them rather the subjects of Russia than of the Porte; and consequently that the Turkish empire itself might at any moment become an easy prey, when the time arrived for annexing it; *or*, in case of a rejection of his demands, he might have a plea for forcible intervention.

He accordingly sent Prince Menschikoff on his celebrated mission to Constantinople, and although the Prince failed in obtaining the protectorate over the Greek Church in Turkey for his master, he did not fail in obtaining the other object of Nicholas, viz. what he chose to consider a valid plea for the employment of force. The whole of the Russian mission having been withdrawn from Constantinople, it was on the 2nd of July 1853 that the Russian forces passed the Pruth and occupied the Principalities of Moldavia and Wallachia. This was called securing 'a material guarantee.' It was the first step towards actual war taken by the Russian Emperor. Abortive negotiation followed it, steps nearer and nearer approaching to undisguised war were alternately taken, each side becoming more and more irritated with each other, till at last the indignation of the British nation was vehemently aroused, when, with our fleets actually in the waters of Constantinople, the Russians were not prevented from mercilessly destroying the Turkish fleet at Sinope. Negotiations and discussions for the preservation of peace were, however, not discontinued; but at last the inevitable moment arrived, and at the end of March

1854 Great Britain and France, in close alliance, issued respectively their declarations of war against Russia.

It is now a well-established fact in history, that the Czar never would have pursued the course which he did, which led to the last extremity, had he not been deceived on two points—(1), he was under a strong conviction that the British Government would not go to war under any circumstances; (2), he was persuaded that an offensive alliance between Great Britain and France was impossible.

As to the first point, he was misled by several concurring circumstances. The Premier, Lord Aberdeen, his 'friend,' had the strongest desire to avoid a war. He clung to the hope of an amicable termination of the negotiations, as he himself said, with 'desperate tenacity;' and his language was undisguised to Baron Brunow, the Russian Envoy, that war should not take place. The most talented member of the Government, Mr. Gladstone, was equally desirous of avoiding war. The 'Peace party,' headed by Messrs. Cobden and Bright, were indefatigable in their denunciations of war. Some of the most influential organs of the Press, who took their cue from Lord Aberdeen, re-echoed his sentiments in their columns. Manchester, Liverpool, and Birmingham, it was said, would never endure a war merely to save the Turkish empire from ruin. These were all-powerful considerations, which with good reason biassed the mind of the Czar to believe what he so much wished to be true.

Then, again, he was led to think that 'the idea of a close 'alliance between France and England was a myth—a thing 'to be talked of, but which could never be realised.'* Were there any remote chance of such a contingency, Cabinet Ministers would assuredly abstain from publicly censuring the future ally of their country, and the newspapers which supported them would not indulge in constant vituperations of the French Emperor. Without that alliance the Czar believed—and his belief was doubtless well founded—that England would not engage in war with Russia single-handed.

* Vide Sir Hamilton Seymour's speech at the Mansion House, Easter Monday, 1854.

Looking at all these circumstances, it must be confessed that the Czar had very strong grounds for the opinions which he formed. It was in vain that Sir Hamilton Seymour warned him that he was treading a dangerous path—it was in vain that Lord Clarendon wrote manly and able despatches to convince him of his error. It was all useless. Sir Hamilton, from having been the personage to whom the Czar had disclosed his most secret thoughts, became 'a very small man.'* 'It was not what was said to the Emperor in English, 'but what was said to him in his own language. *That* was 'what decided the question. I am convinced,' said Sir Hamilton, 'that if there had been one man of character who 'had the courage to declare the truth to His Imperial Majesty, 'he would never have embarked in this unfortunate career.'

During all this protracted time, from the beginning and long before these facts were revealed, the advice tendered by the Conservative press to the Government was as follows:— 'We do not doubt your peaceable disposition; we are, with 'you, equally desirous to maintain peace; but we tell you, you 'are seeking to obtain your object in a way which ensures 'your defeat. Only convince the Emperor of Russia that if 'he persevere in his aggression on Turkey, England will 'infallibly go to war to resist it, and France will be by her 'side, and you will do more to bring the Emperor to his 'senses than you can ever do by the most elaborate negotia- 'tions, however skilfully you may fancy that you can conduct 'them.'†

Of the wisdom of this advice there can now be no doubt; it unfortunately was unheeded by those to whom it was addressed, and the answer to it by the Ministerial press was to charge those who gave it with, 'either from mere recklessness, 'or from still more unworthy motives, making it their busi- 'ness to hound on the Government to an European war before 'negotiation had been exhausted, or almost before it had been 'attempted.'‡

* Vide Sir Hamilton's speech.

† Vide *Morning Herald*, April 20, 1854.

‡ Vide *Morning Chronicle*, December 23, 1853. These quotations from

Whatever, then, the merits or the demerits of the negotiations which were carried on, the fact remains that there would have been no war had not the Czar been under a false impression as to what this country would do, and as to the impossibility of a close alliance between France and England.

Bearing in mind, then, this all-important fact, what was the policy which was pursued towards Austria while negotiations were being carried on, as well previous to the breaking out of the war as after its actual outbreak?

Mr. Kinglake, in his remarkable work on the invasion of the Crimea, is of opinion that the British Government was wrong, when acting in concord with the three great Powers, France, Austria, and Prussia, in consenting to form a separate league with France. Mr. Kinglake assumes that had the four Powers continued to act together on the same footing of calm remonstrance and pressure, Russia would have yielded to their demands. 'The four Powers,' says Mr. Kinglake,* 'being all of one mind, were still to remain in concert so far 'as concerned the discussion and adjudication of the questions 'pending between Turkey and Russia; but France and 'England were to interfere to enforce their judgment. The 'four Powers were to be judges, and two of them, viz. France 'and England, were to be the executioners. What made this 'arrangement the more preposterous, was that the outrage of 'which Europe complained was the occupation of two pro-'vinces which abutted upon the Austrian dominions. Of all 'the great Powers, Austria was the chief sufferer. Austria 'was upon the spot. Austria was the one Power which 'instantly in a summary way could force the Czar to quit his 'hold; and yet the charge of undertaking a duty which 'pressed upon her more than upon any other State in Europe 'was voluntarily taken upon themselves by two States whose 'dominions were vastly distant from the scene of the evil 'deed.'*

the newspapers are only given as specimens of the tone taken in the press by the advocates of the different sides. They might be indefinitely multiplied.

* Kinglake, vol. i. p. 326.

Now, if it be true (and it most probably is so) that at the outset 'the Emperor Nicholas had laid down for himself a 'rule which was always to guide his conduct upon the 'Eastern question—viz., that no temptation should draw 'him into hostile conflict with England;'* and if it be also true that the Czar was led to pursue the unfortunate course which ended in war because he believed that 'a close alliance 'between France and England was a myth to be talked about, 'but which could never be realised,' and because he misconceived the temper of the British people, and 'thought that they would never go to war with him;—if all this be true, it is difficult to understand why a step which preserved the concord of the four Powers as 'judges,' but made the two whom the Czar most dreaded 'to be the executioners' of the 'judges'' decrees, could, considered as a political combination, have been a measure less likely to maintain peace than simply judgments without instruments for their enforcement.

If the result of the alliance was, as Mr. Kinglake argues in his subsequent narration, that the British Government allowed itself to be urged on to unwise hostile measures by the French Emperor, and that his pressure had for its object only to further his own personal ends, that is a question wholly apart from the original policy of the measure. The combination itself might have been wise and politic, although the way in which it was worked out might have been unwise and impolitic.

Setting aside, then, all considerations as to the working of the measure, does not Mr. Kinglake take an erroneous view of the position in which the Austrian Emperor found himself at that time? It is to this point to which special attention should be given in judging of the policy or impolicy of the conduct of the British Government in contracting the French alliance. Mr. Kinglake says: 'Of all the great Powers 'Austria was the chief sufferer from the outrage. Austria 'was on the spot. Austria was the one Power which

* Kinglake, vol. i. p. 189.

'instantly in a summary way could force the Czar to quit his 'hold.'

All this may be admitted, but at what expense was Austria to 'force the Czar to quit his hold?' Simply at the expense of a war with Russia. Was she in a condition to brave this consequence?

Austrian statesmen are proverbially faithless. Why is this so? It simply arises from the necessities of their position. With the best and most honest intentions, it is hardly possible that they can be otherwise. The most disastrous complications would in all probability have ensued, had Austria placed herself on the same line with France and England, in hostile array against Russia. Six years had hardly elapsed since all the dominions of the young Emperor had been the scene of a most disastrous civil war. Vienna itself had been wrested from the sway of the Emperor by its discontented population. The Ban of Croatia had replaced it in his power. Hungary, the most powerful kingdom attached to the monarchy, had rebelled, and in order to quell the rebellion, the young Emperor had had recourse to the desperate expedient of calling in the troops of the Czar to crush it. It was crushed, but the embers were still burning and ready to burst out into flame. The finances were exhausted. She had no generals of great reputation. Radetzky was no more. The discipline and efficiency of her armies were doubtful. She had a treacherous and powerful neighbour on her northern frontier, jealous of her preponderance, and sooner or later ready to take advantage of her weakness. To set against all these sources of weakness, she was supposed to have an army of 500,000 men. Granting that it really was an efficient and well-disciplined army, and that Austria could 'instantly in a 'summary way have forced the Czar to quit his hold' of the Principalities, and thereby engaged in a war with Russia, how long would the state of her finances have enabled her to keep that army in a state of discipline and efficiency? How long would it have been before Hungary again rose in insurrection, with Russia to aid instead of to overwhelm her? How many and how strong are the fortresses which would

cover Vienna against a Russian foe? What success could be likely to attend Austria in an aggressive campaign against Russia; and what is the strength and the number of Russian fortresses to be subdued before any impression could be made on the Russian empire? What permanent impression on that Empire was made by the first Napoleon, when he flung on her frontiers his gigantic army?

Whether, therefore, it were wise or unwise for this country to have entered into a treaty with France alone against Russia, there can be little doubt but that had Austria engaged in the fray it must have lighted up a general war in the very heart of Europe, the duration of which would have been most uncertain, and which would too probably have ended in the dissolution of the Austrian empire. The course, therefore, which the British Government pursued in forming a separate alliance with France, without involving Austria, was assuredly most politic and judicious.

The situation of Austria never varied during the war from what it was previous to its commencement. So long as the empire exists as it is composed at present, so long the difficulty of its Government pursuing a straightforward course will be great indeed. Before the policy of keeping Austria out of the strife was abandoned, and when Lord Aberdeen thought that he had done a 'great work in engaging her to assist the 'allies with her 500,000 men,' more reliance was placed on her fidelity to the common cause than prudence justified. Had Austria been true to her engagements, the Russian forces under Luders and Liprandi could never have been freed to assail the allied armies at Inkerman.

But even the mischief resulting from this injudicious confidence was perhaps cheaply purchased, in comparison with the evils which would too surely have arisen, had Austria been goaded to take part in the war, and had engaged in a conflict with Russia. Had Austria been worsted in such a conflict, as she surely would have been, the allies must have gone to her aid, and a war would thus have commenced, of which perhaps, even at this distance of time, Europe might not have seen the termination.

It was, therefore, wise advice, tendered by the Conservative press (Feb. 12, 1855) to British statesmen—that the first object of their policy 'ought to be to circumscribe the actual 'war within the narrowest possible limits, and that no amount 'of military aid which Austria could supply could possibly 'compensate for the mischief which must result from creating 'a general war in the very heart of Europe.'

After this advice was tendered, no more was heard of British statesmen urging Austria to join in the fray.

CHAPTER IV.

SPAIN AND CHILI.

THE following extracts on the above-named subject, taken from the 'Times' of Nov. 18, 1865, are with one exception abstractedly deserving of the highest approbation :—

'The most innocent, most active, and most prosperous of 'South American republics has suddenly found its prosperity 'destroyed, its intercourse with the rest of the world suspended, 'and its national existence endangered by the arbitrary conduct 'of a Spanish Admiral, acting under the orders of the Spanish 'Government. For more than fifty years Chili has, with rare 'and slight interruptions, pursued a path of peaceful development; its population has greatly increased, so that it is from 'three to four times more dense than that of any other country 'of South America; its internal resources have multiplied, and 'its honour has been unstained. . . . .

'The statesmen of the republic have shown a self-denying 'patriotism unknown in the neighbouring States, and on the 'two or three occasions when public order seemed in danger 'it has been promptly re-established, without any sacrifice of 'the liberties of the people. . . . .

'And it is upon this nation, peaceful, orderly, and promise-'keeping, that the Government of Spain, bankrupt at home, 'but reckless and extravagant abroad, has on a day's warning 'let loose its naval power. Upon a string of pretexts so futile that their audacity cannot be matched even among the 'proclamations of Frederick II. or Louis XIV., the Spanish 'Admiral has blockaded the Chilian ports, captured Chilian 'merchantmen, prevented the ships of innocent neutrals from

'carrying their cargoes to their destination, and lighted up 'a new war in the southern hemisphere.

'If we appear to condemn too strongly the conduct of the 'Spanish Government, we need only refer to the list of 'grievances communicated by the Spanish Admiral to the 'Chilian Minister of Foreign Affairs in support of our conclu-'sions. Out of their own mouths let them be judged. Assume 'every statement contained in the remonstrance to be true, 'the action of Spain remains not merely harsh—it is violent 'and lawless.'

Here the article enters into an analysis of the four grievances of which the Spanish Government complained, and having clearly shown their injustice, thus proceeds:—

'These four charges, and these four only, were those detailed 'by Admiral Pareja, with a demand that the Spanish flag be 'immediately saluted as an acknowledgment of the insults 'enumerated in them, and a threat that, unless a favourable 'answer came within four days, force would be used to com-'pel a redress of the wrongs which it was alleged Spain had 'suffered. The Chilian Government replied temperately, but 'with spirit, to this insolent manifesto. It met in detail every 'charge which had been brought against it, *positively refused* '*to apologise for offences of which it had not been guilty*, 'and declared that if war should arise, "the republic, sus-'"tained by the justice of its own cause, taking God for '"judge and the civilised world for a witness of the contest, '"would defend its honour and rights to the last extremity." 'A blockade followed, in spite of the united remonstrance of 'the diplomatic corps resident in Chili; and, in reply to the 'blockade, the Chilian Chambers have declared war against 'Spain. Commerce is at a standstill, the industry of Chili 'is paralysed, its peaceful intercourse with the rest of the 'world is abruptly closed, because Spain has arrogantly deter-'mined upon creating wrongs where there are none.'

'It was therefore justifiable in the Chilian Government to 'refuse to apologise for offences of which it had—not been guilty;' but in High Commissioner Yeh it was inexcusable: and why? The answer is implied in the next sentence of the article.

'It has been said that the nations of Europe, in their inter-
'course with the East, forget the code of laws which they have
'established among themselves. It would seem that Spain is
'determined to deal with the republics which were once her
'colonies as if they, too, were outside the family of civilised
'nations.'

The peoples, then, of the East, being 'outside the family of civilised nations,' it becomes *them* to apologise for offences of which they have not been 'guilty'! Not so the republics of Spanish America. For 'the interest of every kingdom in Europe,
'as well as of every republic in America, demands that the
'complaints which Spain has made against Chili should be
'repudiated, and that her action towards it should be authori-
'tatively rebuked. We have, indeed, some material interests
'in the prosperity of Chili; for we have ever been on terms of
'amity and mutual intercourse, to the advantage of both; but
'these interests are as nothing compared with the principles of
'law and justice involved in the contest. France and ourselves,
'who have so lately been neutrals, the United States, which
'look forward to resuming that attitude of neutrality which
'was so long their peculiar inheritance, cannot suffer that the
'rights of neutral nations should be obscured and trampled on.
'In the face of these dangers it is time to have done with the
'miserable selfishness of an absolute non-interference. If
'there be any law, if there be any respect for the weak, if
'there be any police to keep justice among nations, this is a
'time for their exercise.'

The writer of this article exercises a wise discretion in putting hypothetically the recommendation with which he concludes.

He would indeed be a bold man who, looking around at what is passing in all parts of the world, would venture to affirm that 'law, respect for the weak, or a police to keep justice amongst nations,' have now anywhere a real existence.

The article, however, is highly creditable to the *heart* of the writer. Its value consists in showing how readily we can see our neighbours' faults, but at the same time how blind we may be to our own!

CHAPTER V.

FAST DAY LETTER, 1857.

THE following letter is printed here as a specimen of the constant but unavailing attempts (during the last thirty years) which I have made to rouse my countrymen to a true sense of the real effects on the character and position of this country which, I was convinced, our system of foreign policy was slowly but too surely producing.

Whether this work, which must necessarily be very distasteful to the British people, will share the same fate as those attempts, remains to be seen. But even if I were certain *beforehand* that such would be its fate, it would not deter me from publishing it.

It is my testimony to the truth. Having thus recorded it, I can say, *Liberavi animam meam*, and, I am content.

To the Editor of the 'Morning Herald.'

SIR,—The Queen in council has proclaimed a national fast, that her people may humble themselves before the Almighty in consequence of the awful calamities which have befallen her subjects in India.

What, then, is the meaning of this fast? Is it meant that we are to humble ourselves before our Maker *because*, as a nation, we repent of our sins, which, as a nation, we have committed; or *because* we flinch from the chastisement which God's wrath is inflicting upon us?

If the latter *only*, and *not* the former; if in our national capacity we justify our crimes, and are only waiting an opportunity to repeat them, then so far from this day of so-called national humiliation being likely to propitiate the Almighty, His all-seeing eye can only

regard it as a day of insult and of mockery—as an attempt to cheat Him with pretended sorrow.

If any should ask (and unhappily there are many whose ignorance may lead them to ask), of what national crimes in the East have we been guilty? I answer—1. Of unlawful wars with the nations of Asia, waged either on false pretences or on worse than inadequate grounds for the selfish purpose of territorial aggrandisement. 2. Of squandering the revenue wrung by torture from our Indian subjects (money greatly needed to improve their own condition), in grasping these unjustifiable acquisitions. 3. Of the Government itself growing a poisonous drug in aid of the public revenue, and smuggling it, contrary to the stipulations of treaty and to the laws of China, into the ports and harbours of that empire. 4. Of breaking faith with the native princes of Hindostan, and dethroning them, on grounds as applicable to our Government as to theirs. 5. Of violating our sacred promises not to interfere with the religion of the Hindoos, by denying to them the right of adoption, which is one of the dogmas of their faith.

Here is an awful list of crimes of faithlessness, lawlessness, and violence, done in the name of this nation, of which it behoves it bitterly to repent, and, as far as it is in its power, to repair. They are our own crimes, wholly irrespective of the crimes of others.

I ask, then, are there any symptoms of national repentance for these sins? Doubtless there are thousands and tens of thousands of *individuals* who feel as I do about them, but what national signs of repentance can we find?

Is not the chief author and designer of this policy the popular First Minister of England? Is he not backed by a majority of the Legislature, and is it not avowed that similar iniquities will be repeated whenever (if ever) we have strength to repeat them?

Unless, *as a nation*, we humble ourselves in bitter penitence for these deadly sins before Almighty God, the national fast-day on Wednesday next is only calculated to provoke His fierce wrath, and to draw down His righteous indignation upon a guilty but unrepentant people.

I am, Sir, your obedient servant,

Oct. 3, 1857. A. G. STAPLETON.

PRINTED BY SPOTTISWOODE AND CO., NEW-STREET SQUARE, LONDON.

00026956

Digitized with financial assistance from the
Government of Maharashtra
on 05 April, 2016